

Message

From: Yonce, Stacey [yonce.stacey@epa.gov]
Sent: 5/3/2017 5:26:34 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: EPCRA/CERCLA Case Decision
Attachments: Waterkeeper v EPA - CERCLA EPCRA rule - DC Cir opinion - April 11 2017.PDF; Waterkeeper v EPA - CERCLA EPCRA rule - judgment - April 11 2017.PDF

Sorry this is late

From: Salo, Earl
Sent: Tuesday, April 11, 2017 4:10 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>
Subject: FW: EPCRA/CERCLA Case Decision

fyi

From: Michaud, John
Sent: Tuesday, April 11, 2017 3:55 PM
To: Woolford, James <Woolford.James@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: FW: EPCRA/CERCLA Case Decision

Jim, Reggie & Cyndy –

Today the DC Circuit vacated the “CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms” rule (73 FR 76948, December 18, 2008). The court found that EPA lacked the statutory authority to establish the exemptions and found that reporting air releases from animal waste does provide real benefits – thereby undercutting EPA’s primary rationale for the rule that reporting serves no regulatory purpose because a response would be unlikely.

EPA has 14 days, or until April 25, 2017 to seek rehearing or rehearing en banc, or 90 days to seek a writ of certiorari with the Supreme Court. Based on conversations with DOJ, rehearing en banc is difficult as it reserved for matters of exceptional public importance or where the decision creates conflicts with other court decisions. A writ of certiorari has similar hurdles.

Erik Swenson (564-7252) is our lead attorney on this matter.

Please feel free to contact Erik or me with any questions.

Thanks.

John R Michaud
Associate General Counsel
Solid Waste and Emergency Response Law Office
202-564-5518
michaud.john@epa.gov

Message

From: Swackhammer, J-Troy [Swackhammer.J-Troy@epa.gov]
Sent: 5/3/2017 2:48:22 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Question about the recent court ruling

OK thx, Sicy.

From: Jacob, Sicy
Sent: Wednesday, May 03, 2017 9:58 AM
To: Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>
Subject: RE: Question about the recent court ruling

Hi Troy: Thanks for forwarding this. We are going to have a conference call with OGC on what we can tell the public on what EPA is planning to do about the court ruling. I will get back to her after that. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Swackhammer, J-Troy
Sent: Tuesday, May 02, 2017 4:36 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Question about the recent court ruling

Hi Sicy,

Any thoughts on a response to the question below?

Thx,
Troy

From: Galloway, Carol
Sent: Tuesday, May 02, 2017 4:34 PM
To: Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>
Subject: FW: Question about the recent court ruling

Troy,
I don't know how you are handling information requests such as this. If you'd like me to respond please let me know, otherwise, I'll assume you've got this. Thanks!!

Carol

From: Kindt, Trish [<mailto:Trish.Kindt@state.sd.us>]
Sent: Monday, April 24, 2017 2:00 PM
To: Galloway, Carol <Galloway.Carol@epa.gov>
Subject: Question about the recent court ruling

Carol,

My name is Trish Kindt. I work in the SD Spills section/EPCRA section.

I got your name from Kent Woodmansey with our feedlot program.

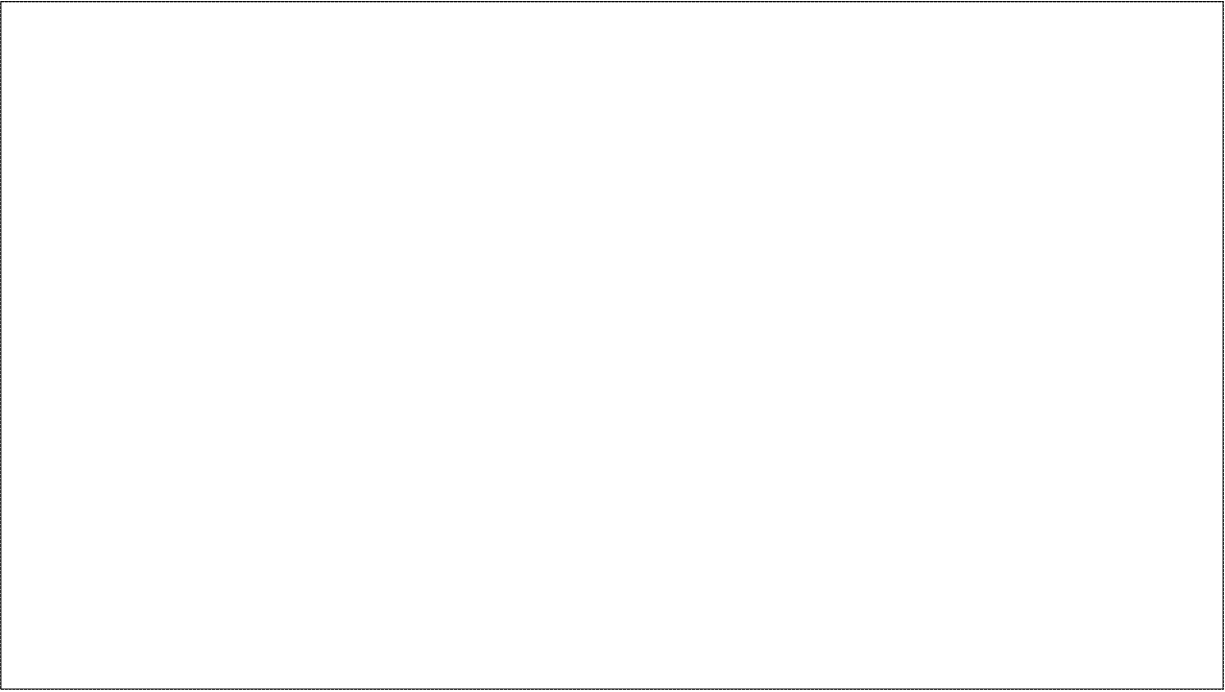
I just wanted to know if EPA is planning to put together some guidance for livestock producers in response to the April 11, 2017 court decision regarding the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)/Emergency Planning and Community Right to Know Act (EPCRA) Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms.

I see this webpage has not been updated yet (not a criticism – I KNOW it hasn't been long)
<https://www.epa.gov/agriculture/agriculture-agriculture-and-air-quality#reportingrequirements>

Anyway, right now all I can do is refer producers to the EPA continuous Releases reporting page. I'm wondering if EPA is planning to put together something that is more specific to ag facilities. Anything you can tell me about what EPA is doing/planning/expecting to see in response to the new rule would be greatly appreciated.

Please feel free to contact me if you have questions.

Trish Kindt
South Dakota Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
(800) 433-2288
Title III: <http://denr.sd.gov/titleiii>
Spills/Releases: <http://denr.sd.gov/spills>





CERCLA/EPCRA Administrative Reporting Exemption

- Final rule published December 18, 2008 and provided an exemption for the existing CERCLA 103 and EPCRA 304 reporting requirements to:
 - All farms that release hazardous substances from animal waste to the air that meet or exceed their reportable quantities from reporting under CERCLA Section 103 and
 - Farms that release hazardous substances from animal waste to the air that meet or exceed their RQ from reporting under EPCRA section 304 if they stable or confine fewer than the identified number of animal species (all but large CAFOs).



CERCLA/EPCRA Administrative Reporting Exemption

- In 2009, environmentalist petitioned the D.C. Circuit court to review the exemption rule, arguing it violated CERCLA and EPCRA.
- Suit was sidelined when EPA sought to resolve the litigation by agreeing to voluntarily remand the rule without vacatur, while the agency gathered more data before creating mandatory reporting requirements for CAFOs
- In September 2015, the DC Circuit granted a motion by the environmentalist petitioners to recall the voluntary mandate of the rule without vacatur, triggering a new review of the legality of the 2008 rule.
- On April 11, 2017, the U.S. Court of Appeals for the DC Circuit vacated the 2008 rule for being neither a reasonable interpretation of statutory ambiguity or use of an implied authority to create exceptions to statutory mandates.



CERCLA/EPCRA Administrative Reporting Exemption

What does this mean for farms which had the administrative reporting exemption?

- All farms will now have to report releases of hazardous substances from animal waste to the air that meet or exceed their reportable quantities from reporting under CERCLA Section 103 and EPCRA Section 304.
- If their releases meet the definition of a continuous release under CERCLA, farms can submit continuous release reports.
- For continuous release reporting, to establish the continuity and stability of the release, farms may use:
 - prior release data;
 - Knowledge of operating procedures; or
 - Best professional judgement.



CERCLA/EPCRA Administrative Reporting Exemption

Next Steps:

- EPA will be working on a Federal Register notice to address the court's decision.
- EPA will draft Qs and As to assist farms in determining how they can report under CERCLA Section 103 and EPCRA Section 304 if they release a reportable quantity of a hazardous substances from animal waste to the air.

Possible EPA responses to vacatur of reporting exemptions in *Waterkeeper Alliance v. EPA* (D.C. Cir.)

As a result of the court's decision, all farms that release to the air a reportable quantity (RQ) of a CERCLA hazardous substance must report the release to the EPA under CERCLA sec. 103, and to state and local agencies under EPCRA sec. 304. EPA might be able to do several things to lessen the burden on such farms.

First, EPA could exercise enforcement discretion to reduce or minimize enforcement of the CERCLA reporting requirements. However, the information required for EPCRA reporting is substantially the same as for CERCLA reporting. The additional burden of sending the same information also to EPA under CERCLA is not significant. Thus, EPA's exercise of enforcement discretion under CERCLA won't greatly reduce the burden on farms. Also, farms are subject to citizen suit under CERCLA for not reporting. EPA's exercise of enforcement discretion does not protect farms from citizen suits.

Second, EPA could try to revise upward the RQs for hydrogen sulfide and ammonia. Those appear to be the only hazardous substances whose emissions to the air from animal waste likely require reporting. However, any increase in the RQs would have to be substantial, probably orders of magnitude, to give significant relief to farms. The RQs were set by rulemaking based on a scientific algorithm for measuring risk. OLEM is not aware of any scientific evidence that could be a basis for adjusting these two RQs upward. Note that such an adjustment would greatly reduce reporting from all facilities emitting hydrogen sulfide and ammonia, not only farms.

Third, EPA could reduce the burden to farms of reporting these emissions. EPA could issue guidance specifically designed to assist farms in reporting emissions of hydrogen sulfide and ammonia.

Continuous release reporting under CERCLA sec. 103 and EPCRA sec. 304 is subject to the requirements in 40 CFR Sec. 302.8 and 40 CFR sec. 355.32. These provisions generally require annual reports that include: "the latitude and longitude [of the farm]...the population density within a one-mile radius of the facility (50, 100, 500, 1,000, or more persons)...the identity and location of sensitive populations and ecosystems...the components of [any] mixture and their approximate concentrations and quantities...the upper and lower bounds of the normal range of the release... an estimate of the total amount that was released in the previous year...the source(s) of the release (e.g. valves, pump seals, storage tank vents, stacks)...the frequency of the release and the fraction of the release from each release source...a brief statement describing the basis for stating that the release is continuous and stable in quantity and rate... changes in composition or source(s) of the release...change in the normal range...changes in other reported information...[and] a statistically significant increase in a release."

These requirements include many terms that may not be familiar or clear to farm staff, including "source of the release(s)," "sensitive populations and ecosystems," "upper and lower bounds of the normal range," and "statistically significant." Guidance that explained how to report these things would be helpful to farms. Also, guidance on how to determine population density, latitude and longitude, and the amounts of hydrogen sulfide and ammonia released by different species, breeds and sizes of animals would also be helpful.

Fourth, EPA could by rulemaking reduce the amount of information required for continuous release reporting for farms. However, it's not clear what would be the basis for requiring less information on such releases from farms than from other sources of releases.

Message

From: Mayer, Eileen [Mayer.Eileen@epa.gov]
Sent: 9/12/2017 11:56:42 AM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: Action summary edits from OGC

I've updated the draft webpage with OGC's edits.

Eileen M. Mayer
Web Editor-in-Chief (EPCRA, RMP, Oil Spills Regulations, and Emergency Response)
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Tuesday, September 12, 2017 7:53 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: Action summary edits from OGC

Attached are the edits from OGC and OECA on the action summary that we intend to share with other offices. Can you incorporate these edits into the web text that you already drafted?

Thanks so much!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, September 07, 2017 5:34 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPCRA guidance

Here is his edits on the three paragraphs.

Sicy Jacob
Chemical Engineer

***Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Salo, Earl
Sent: Thursday, September 07, 2017 5:08 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: EPCRA guidance

One edit on the three paragraphs.

From: Jacob, Sicy
Sent: Thursday, September 07, 2017 4:46 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: EPCRA guidance
Importance: High

Hi, Earl: I see that Erik sent you his comments (attached) on the "routine agricultural operations policy memo". Please provide us your comments to Erik's edits. We have to draft the Q & A based on your final approval.

Also, we need both of you take a look at the three short paragraphs ("Update on Next Steps" - attached) that we need to post on our web. Patricia Gioffre sent that to the whole workgroup yesterday. I understand that Erik is out until Monday. If you can take a look at both of these docs at least by tomorrow, we really appreciate it.

OLEM Senior leaders are pushing us to get the guidance done soon. Thanks so much for your quick review.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Swenson, Erik
Sent: Thursday, September 07, 2017 2:31 PM
To: Salo, Earl <Salo.Earl@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: EPCRA guidance

Earl, take a look at the edits I made to the latest draft. I inserted some of your draft language. Sicy mentioned to me that OEM is getting pressure to move this forward. Take a look and we can talk.

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 9/12/2017 11:52:32 AM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: Action summary edits from OGC
Attachments: Waterkeeper Update on Next Steps for CERCLA EPCRA Reporting for Farms_draft - TJS Co.._.docx

Attached are the edits from OGC and OECA on the action summary that we intend to share with other offices. Can you incorporate these edits into the web text that you already drafted?

Thanks so much!

Patty Gioffre
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[Follow OLEM on Twitter @EPALand](#)

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To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPCRA guidance

Here is his edits on the three paragraphs.

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Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>

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OLEM Senior leaders are pushing us to get the guidance done soon. Thanks so much for your quick review.

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(202) 564-8019

From: Swenson, Erik

Sent: Thursday, September 07, 2017 2:31 PM

To: Salo, Earl <Salo.Earl@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: EPCRA guidance

Earl, take a look at the edits I made to the latest draft. I inserted some of your draft language. Sicy mentioned to me that OEM is getting pressure to move this forward. Take a look and we can talk.

Message

From: Kindt, Trish [Trish.Kindt@state.sd.us]
Sent: 5/5/2017 3:43:57 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Question about the recent court ruling

Sicy,

Thank you so much for letting me know.

Please let me know when you put the guidance out.

Please feel free to contact me if you have questions.

Trish Kindt
Department of Environment and Natural Resources
523 East Capitol Avenue
Pierre, SD 57501
(800) 433-2288
Title III: <http://denr.sd.gov/titleiii>
Spills/Releases: <http://denr.sd.gov/spills>

From: Jacob, Sicy [mailto:Jacob.Sicy@epa.gov]
Sent: Friday, May 05, 2017 10:37 AM
To: Kindt, Trish
Subject: [EXT] FW: Question about the recent court ruling

Hi, Troy S. forwarded your email to me.

I just want to let you know that we are planning to provide some guidance to the farmers on the reporting requirements under CERCLA Section 103 and EPCRA Section 304. We are meeting with our attorneys and enforcement counterparts to make a determination. Thanks

For now, please provide information on continuous reporting requirements as you have been doing. thanks

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Swackhammer, J-Troy
Sent: Tuesday, May 02, 2017 4:36 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Question about the recent court ruling

Hi Sicy,

Any thoughts on a response to the question below?

Thx,
Troy

From: Galloway, Carol
Sent: Tuesday, May 02, 2017 4:34 PM
To: Swackhammer, J-Troy <Swackhammer.J-Troy@epa.gov>
Subject: FW: Question about the recent court ruling

Troy,
I don't know how you are handling information requests such as this. If you'd like me to respond please let me know, otherwise, I'll assume you've got this. Thanks!!

Carol

From: Kindt, Trish [<mailto:Trish.Kindt@state.sd.us>]
Sent: Monday, April 24, 2017 2:00 PM
To: Galloway, Carol <Galloway.Carol@epa.gov>
Subject: Question about the recent court ruling

Carol,

My name is Trish Kindt. I work in the SD Spills section/EPCRA section.

I got your name from Kent Woodmansey with our feedlot program.

I just wanted to know if EPA is planning to put together some guidance for livestock producers in response to the April 11, 2017 court decision regarding the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)/Emergency Planning and Community Right to Know Act (EPCRA) Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms.

I see this webpage has not been updated yet (not a criticism – I KNOW it hasn't been long)
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Anyway, right now all I can do is refer producers to the EPA continuous Releases reporting page. I'm wondering if EPA is planning to put together something that is more specific to ag facilities. Anything you can tell me about what EPA is doing/planning/expecting to see in response to the new rule would be greatly appreciated.

Please feel free to contact me if you have questions.

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South Dakota Department of Environment and Natural Resources
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Pierre, SD 57501
(800) 433-2288
Title III: <http://denr.sd.gov/titleiii>
Spills/Releases: <http://denr.sd.gov/spills>

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 5/5/2017 1:16:34 PM
To: Weeks, Victor [weeks.victor@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: Re: DC Circuit Court Decision

We are and thank you!

Kim

On May 5, 2017, at 7:40 AM, Weeks, Victor <weeks.victor@epa.gov> wrote:

No problem, I thought that OEM would be most interested in these resources previously made available by the state of Michigan:

Forms:

- <!--[if !supportLists]--><!--[endif]-->CAFO Air Emissions Form (doc)
- <!--[if !supportLists]--><!--[endif]-->CAFO Air Emission Form - Fill-in (pdf)
- <!--[if !supportLists]--><!--[endif]-->CAFO Air Emission Form Instructions (pdf)
- <!--[if !supportLists]--><!--[endif]-->Cattlemen's Beef Association Cover Letter (pdf)

Worksheets:

- <!--[if !supportLists]--><!--[endif]-->Beef Emissions Worksheet (pdf)
- <!--[if !supportLists]--><!--[endif]-->Dairy Emissions Worksheet (pdf)
- <!--[if !supportLists]--><!--[endif]-->Poultry Emissions Calculations (pdf)
- <!--[if !supportLists]--><!--[endif]-->Swine Emissions Worksheets (pdf)

Vic Weeks

From: Jennings, Kim
Sent: Thursday, May 04, 2017 3:50 PM
To: Weeks, Victor <weeks.victor@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Re: DC Circuit Court Decision

Hi Victor,

Thanks for sending this information. We are working with the Air Office on this to ensure we are not getting ahead of finalizing their methodologies.

Thanks,
Kim

On May 4, 2017, at 3:22 PM, Weeks, Victor <weeks.victor@epa.gov> wrote:

From: Weeks, Victor
Sent: Tuesday, May 02, 2017 11:43 AM
To: Beth Woodfin (beth.woodfin@adem.alabama.gov)
<beth.woodfin@adem.alabama.gov>
Subject: RE: DC Circuit Court Decision

Draft Air Emissions Estimating Methodologies for Animal Feeding Operations

EPA has analyzed the National Air Emissions Monitoring Study data for two broiler chicken sites and nine swine and dairy lagoons/basins. The draft emissions estimating methodologies are provided in the documents below. The documents also present descriptions of the sites monitored; the data submitted to EPA and a detailed discussion of the statistical analyses used to develop the draft emissions estimating methodologies.

<https://www.epa.gov/afos-air/draft-air-emissions-estimating-methodologies-animal-feeding-operations>

As far as I am aware, EPA has not finalized these draft methodologies. The draft methodologies were subject to considerable review comments made by the "U.S. Environmental Protection Agency Science Advisory Board Animal Feeding Operations Emission Review Panel" in 2013.

This is the link to the National Air Emissions Monitoring Study:

<https://www.epa.gov/afos-air/national-air-emissions-monitoring-study>

This is a very good Confined Animal Feeding Operation resource page developed by the state of Michigan:

http://www.michigan.gov/deq/0,4561,7-135-3307_29894_5959-208359--,00.html

Vic Weeks

From: Weeks, Victor
Sent: Monday, May 01, 2017 3:51 PM
To: Beth Woodfin (beth.woodfin@adem.alabama.gov)
<beth.woodfin@adem.alabama.gov>
Subject: DC Circuit Court Decision

Beth:

My headquarters program office (the Office of Emergency Management) has not provided any comment or issued any program directives in response to the ruling. Farms with animal waste air emissions will have to report under CERCLA and EPCRA if they release any hazardous substance to the air at or above the reportable quantity for such substance from animal waste operations. It is anticipated that most farms with reportable animal waste air releases will be able use the continuous release reporting option. This is a link to the continuous release reporting guidance:

<https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting>

For any EPCRA Section 313 TRI questions, Erika White is the EPA R4 Technical Authority for TRI matters. Erika's direct phone line is 404-562-9195. Erika's email is white.erika@epa.gov.

Victor L. Weeks

U.S. EPA Region 4
Air, Pesticides & Toxics Management Division
Chemical Emergency Preparedness & Prevention Coordinator
Atlanta Federal Center
61 Forsyth ST
Atlanta, Georgia 30024

Direct: 404-562-9189
Cell: 770-363-7715
FAX: 404-562-9163

Message

From: Principe, Vanessa [Principe.Vanessa@epa.gov]
Sent: 3/30/2017 2:56:27 PM
To: Jacob, Sicy [Jacob.Sicy@epa.gov]; Yonce, Stacey [yonce.stacey@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: FOIA / Authentication Certification Request

They only asked about the general EPCRA one.

Since there's no updates to either one I'll sign off on these.

Thank you both, V

From: Jacob, Sicy
Sent: Thursday, March 30, 2017 10:51 AM
To: Yonce, Stacey <yonce.stacey@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: FOIA / Authentication Certification Request

You are right Stacey. Lynn did that one.

Vanessa: The first one is the general overview of EPCRA which I worked on in 2012. It is available on our website "what is EPCRA"

<https://www.epa.gov/epcra/what-epcra>

Then we have another one for state, tribal and local agencies:

https://www.epa.gov/sites/production/files/2015-07/documents/state_tribal_local_guide_factsheet_7-10-2015_2.pdf

thanks

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
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U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Yonce, Stacey
Sent: Thursday, March 30, 2017 10:47 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: FOIA / Authentication Certification Request

Hi Vanessa,

Yes, the second one is ours (thanks to Lynn, I believe).

Stacey

Stacey Yonce
Regulations Implementation Division
U.S. EPA Office of Emergency Management
1200 Pennsylvania Avenue NW
Washington, DC 20460
(202) 564-2288

From: Principe, Vanessa
Sent: Thursday, March 30, 2017 10:42 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FOIA / Authentication Certification Request

Sicy / Stacey,

A twist on a FOIA request. We need to check that these are legitimate EPA documents. Not sure if there are more recent versions, but let me know if there are so I can flag that in case they want the updated versions.

I could not get these through our OEM site, but rather through an internet search – go figure! Please confirm no later than Monday we can certify these are our documents (looks so to me but sending to you as the POCs for these).

Thanks! V

Sicy -
The Emergency Planning and Community Right-to-Know Act (Fact Sheet – EPA 550-F-12-002; September 2012)
https://www.epa.gov/sites/production/files/2013-08/documents/epcra_fact_sheet.pdf

Stacey -
CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms - Final Rule (Fact Sheet February 2009)
https://www.epa.gov/sites/production/files/2013-08/documents/cafo_rule_fact_sheet.pdf

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/22/2018 5:15:32 PM
To: Gilley, Anne [Gilley.anne@epa.gov]
CC: Dunn, Michael [dunn.michael@epa.gov]; pandya, perry [pandya.perry@epa.gov]; Gallagher, Theresa [gallagher.theresa@epa.gov]
Subject: RE: Data request by 2/20: Farms reporting animal waste emissions

Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gilley, Anne
Sent: Thursday, February 22, 2018 8:48 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Dunn, Michael <dunn.michael@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>
Subject: FW: Data request by 2/20: Farms reporting animal waste emissions

Sicy,

An additional response from VA...

From: Thirunagari, Sanjay (DEQ) [<mailto:Sanjay.Thirunagari@deq.virginia.gov>]
Sent: Wednesday, February 21, 2018 5:42 PM
To: Gilley, Anne <Gilley.anne@epa.gov>
Cc: Chudasama, Prina (DEQ) <Prina.Chudasama@deq.virginia.gov>
Subject: RE: Data request by 2/20: Farms reporting animal waste emissions

Not much to add from PREP. Here is the note received:

Not aware of farms reporting animal waste emissions reports except for the recent rash of reports that were triggered by the clarified requirement for reporting.

Thanks

Sanjay

From: Gilley, Anne [<mailto:Gilley.anne@epa.gov>]
Sent: Wednesday, February 21, 2018 7:19 AM
To: Thirunagari, Sanjay (DEQ) <Sanjay.Thirunagari@deq.virginia.gov>
Cc: Chudasama, Prina (DEQ) <Prina.Chudasama@deq.virginia.gov>
Subject: RE: Data request by 2/20: Farms reporting animal waste emissions

Thanks Sanjay

Anne Gilley
Oil & Prevention Branch
U.S. EPA Region III
1650 Arch Street, Mailcode 3HS61
Philadelphia, PA 19103
Direct (215) 814-3293
gilley.anne@epa.gov

From: Thirunagari, Sanjay (DEQ) [<mailto:Sanjay.Thirunagari@deq.virginia.gov>]
Sent: Tuesday, February 20, 2018 1:08 PM
To: Gilley, Anne <Gilley.anne@epa.gov>
Cc: Chudasama, Prina (DEQ) <Prina.Chudasama@deq.virginia.gov>
Subject: RE: Data request by 2/20: Farms reporting animal waste emissions

Anne,

Here is the status: We did not see any in our records.

Prina checked with our CAFO and PREP staff. I am presenting the response from CAFO. We are waiting to hear back from PREP

From CAFO:

I have not received any reports because the rule and EPA guidance requires the reporting to be sent directly to NRC and EPA. But I believe that CO DEQ staff did receive reports the first time this came around but I cannot remember who received those reports.

Thanks

Sanjay

From: Gilley, Anne [<mailto:Gilley.anne@epa.gov>]
Sent: Friday, February 16, 2018 10:02 AM
To: avery.dalton@state.de.us; Robert.Pritchett@state.de.us; chris.geldart@dc.gov; Patrice.white@dc.gov; patricia.williams1@maryland.gov; irozman@pa.gov; cafreeman@pa.gov; Thirunagari, Sanjay (DEQ) <Sanjay.Thirunagari@deq.virginia.gov>; Gianato, Jimmy <jimmy.j.gianato@wv.gov>; Melissa.D.Cross@wv.gov; Chudasama, Prina (DEQ) <Prina.Chudasama@deq.virginia.gov>
Subject: Data request by 2/20: Farms reporting animal waste emissions

I sincerely apologize for the short turn-around. Could you answer the questions below by Tuesday, 2/20, morning?

EPA HQ has asked the regions to reach out to our states to collect data about farms that have reported continuous releases of animal waste emissions over the years. Precise answers are not necessary; ballpark works. Thank you, in advance.

1. How many farms submitted written CR reports to the state from (2001 to 2008) and (2009 to 2016) concerning animal waste emissions?
2. For these reports, what was the upper and lower bounds (in lbs) for ammonia and hydrogen sulfide? (This may be hard to answer, as it probably depends on the size of the farm, type of animal, etc. Any insight you can provide though would be helpful.)
3. Did the state respond to any notifications of releases from animal waste? If so, was there usually a minimum threshold for ammonia and hydrogen sulfide released that would trigger a response, or was it completely case-by-case?

Anne Gilley
Oil & Prevention Branch
U.S. EPA Region III
1650 Arch Street, Mailcode 3HS61
Philadelphia, PA 19103
Direct (215) 814-3293
gilley.anne@epa.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/22/2018 2:10:12 AM
To: Susan Day [Susan.Day@erg.com]
CC: thomas schneider [Thomas.Schneider@csra.com]; Emma Borjigin-Wang [Emma.Borjigin-Wang@erg.com]
Subject: RE: Another task - search NRC data for farms from 1998

Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Susan Day [mailto:Susan.Day@erg.com]
Sent: Wednesday, February 21, 2018 7:21 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: thomas schneider <Thomas.Schneider@csra.com>; Emma Borjigin-Wang <Emma.Borjigin-Wang@erg.com>
Subject: RE: Another task - search NRC data for farms from 1998

Hi Sicy,

We are looking in to this and will get back to you tomorrow about it.

Thanks!

Susan

From: Jacob, Sicy [mailto:Jacob.Sicy@epa.gov]
Sent: Wednesday, February 21, 2018 5:29 PM
To: Susan Day <Susan.Day@erg.com>
Cc: thomas schneider <Thomas.Schneider@csra.com>
Subject: Another task - search NRC data for farms from 1998

Hi, Susan: We are trying to figure out how far back farms reported (continuous releases?) or episodic of AIR releases from animal waste. I think the NRC only goes back to 1998. I believe you folks did the search up to 2001. Correct me if I am wrong. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management

*U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/21/2018 2:36:59 PM
To: Barkey, Christopher [USA] [barkey_christopher@bah.com]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Gerardin, Margaret [Gerardin.Margaret@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: CERCAL animal releases in national parks

Hi, Christopher: Please tell the State that under our current interpretation for "routine agricultural operations", farms are not required to report under EPCRA section 304. However, we are planning to conduct a rulemaking on this interpretation. So as it is, they shouldn't expect any reports from the farms. This situation may or may not change with the planned rulemaking. Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, February 21, 2018 8:16 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: CERCAL animal releases in national parks

Good morning,

Jeff Thompson with the State of North Dakota sent the following question to the Info Center, "Since the horse and buffalo herds in our national parks are managed herds, and we know that Federal sites are not exempt from the law, should I expect a report from the national parks?"

Assuming reporting for herds on these lands is reportable, CERCLA continuous release reports are not sent to the state. EPCRA release reports are sent to the state but they might be exempt under EPA's interpretation of "routine agricultural operations".

Any thoughts on how best to answer Mr. Thompson?

Thank you,
Christopher

Caller Contact Information
Jeff Thompson
jathompson@nd.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/21/2018 1:45:21 PM
To: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Barkey, Christopher [USA] [barkey_christopher@bah.com]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: [External] RE: Animal Waste Release Question

Christopher: We are working on a proposed rule at the moment with a tight deadline regarding farms and animal waste. So, we didn't get a chance to discuss these questions among ourselves or with OGC yet. We have a lot of Qs & As to work on, so hopefully we will get to them soon.
We will update you all on the proposed rule as well as the development of any new Qs & As. Thanks for your patience.

Please let the callers know that EPA is working on these questions and others. Don't mention anything on the proposed rule though. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gerardin, Margaret
Sent: Wednesday, February 21, 2018 8:39 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] RE: Animal Waste Release Question

...And another good one...

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, February 21, 2018 8:06 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] RE: Animal Waste Release Question

Good morning Margaret, Sicy, Patty,

Has EPA developed guidance regarding this question for animals on conservation lands?

Thank you,
Christopher

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Wednesday, January 24, 2018 9:12 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: [External] RE: Animal Waste Release Question

Good morning, Christopher –

Sicy is working with OGC on responses to this and similar questions.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, January 24, 2018 7:35 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: Animal Waste Release Question

Hi Patty, Margaret,

This question came in via email and I haven't not found a solid answer. Can you assist?

Question: Who is responsible for reporting releases from cattle grazing on conservation land, the cattle operator or the land owner?

Does EPA have clarification we can provide?

Thank you,
Christopher
703-412-7793

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/5/2018 7:59:55 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Discuss definition of "routine agricultural operations"

Thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

-----Original Appointment-----

From: Jennings, Kim
Sent: Monday, February 05, 2018 2:59 PM
To: Jacob, Sicy
Subject: Accepted: Discuss definition of "routine agricultural operations"
When: Wednesday, February 07, 2018 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Kim's office

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/2/2018 6:30:24 PM
To: Sullivan, Tim [Sullivan.Tim@epa.gov]
Subject: RE: Correct link needed - please

Hi, Tim: I think we revised our guidance few times so the version we had in Nov 2017 had the link to the FR notice. It is fixed. Thanks for your help.

Glad that you sent these over to me so I can keep it on file and refer to them. thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Sullivan, Tim
Sent: Wednesday, January 31, 2018 5:28 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Sullivan, Tim <Sullivan.Tim@epa.gov>
Subject: RE: Correct link needed - please

Hi, Sicy.

Question: do you know if that hyperlink was intended to route you to the Agreement or to OSWER's 2009 Fact Sheet regarding the 2008 rule where EPA first made the statement that it did not expect Agreement participants complying with their Agreements to submit EPCRA release reports at that time?

If it is the former, I believe – and it appears – that OECA's Air Compliance Agreement webpage with a link to the blank Agreement was taken down when EPA overhauled its website back around the 2011-2012 timeframe. When I ran a Google search, I could not locate the Agreement anywhere other than in the text of the Federal Register notice announcing the Agreement and the Monitoring Study. And, even through OAR's NAEMS webpage had a link to the Agreement, that link took me to Environmental Appeals Board docket for the Agreements and there was no copy of the Agreement to open.

If it is the latter, I have attached a copy of that document – a pdf of my print out – as well.

Please let me what you were thinking regarding the link. If you were looking to hyperlink to the Agreement, I assume the folks updating the animal waste webpage could easily add a hyperlink that would lead to the blank Agreement, which I have attached as well.

Thanks –

Tim

Timothy J. Sullivan
Air Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1595 Wynkoop Street (MC 8MSU)
Denver, Colorado 80202

Phone: 303.312.6196 | Email: sullivan.tim@epa.gov

Help eliminate environmental violations - report tips and complaints at:
<http://www.epa.gov/compliance/complaints/index.html>

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From: Jacob, Sicy
Sent: Wednesday, January 31, 2018 2:35 PM
To: Sullivan, Tim <Sullivan.Tim@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Correct link needed - please

Hi Tim: In our CERCLA/EPCRA guidance, the question below has a link (see below in blue ink), it is not working. I was wondering if you can help us with that. thanks.
www.epa.gov/animalwaste

Can I request an extension?

No, CERCLA section 103 requires the facility owner or operator to immediately notify the NRC of a reportable release of a hazardous substance.

The one exception is for farm owners/operators participating in the Agency's Animal Feeding Operation Air Compliance Agreement, and that are in compliance with their Agreements. For more information, see: [Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?](#)

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 2/2/2018 1:45:43 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: answer to question about AFO air compliance agreement

I sent a note to Eileen. Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Franklin, Kathy
Sent: Wednesday, January 31, 2018 5:07 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: answer to question about AFO air compliance agreement

In a 11-15-17 version of the draft guidance I saved, it looks like we provided the following QA below. Maybe we then later turned the answer to the question into a link to a separate page. I wonder if Eileen could tell us what was on the page that is not missing. That missing page address is
<https://www.epa.gov/node/189743/revisions/631719/view#AFOAgreement>

Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?

At this time, farm owners/operators in compliance with their Animal Feeding Operation Air Compliance Agreement (70 FR 4958) are not expected to report air releases of hazardous substances from animal wastes under CERCLA and EPCRA. Per their Agreement, participants must report air releases of hazardous substances equal to or exceeding the hazardous substances' reportable quantities under CERCLA when EPA completes the National Air Emissions Monitoring Study.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 4/11/2018 7:39:52 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: Website - animal waste

Importance: High

Hi, is it possible to remove all the Qs & As regarding CERCLA 103 reporting from our website. Couple of Regions called me to say that they are getting calls from industry and states that it is confusing that we have the FARM Act info/exemption under CERCLA and then the reporting requirements also.

FARM Act takes precedence over court decision correct?

We can still have that sentence that says court mandate is expected but farms are exempted under CERCLA due to the FARM Act.

We can still have the EPCRA Q & A on routine ag there.

I would remove everything else as it confuses people. Thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/26/2018 8:18:58 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: are you in today?

I see. Thanks so much. As usual, you are awesome.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Mayer, Eileen
Sent: Friday, January 26, 2018 3:16 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: are you in today?

No, we didn't have the proposed rule up since those come down once the final rule is published. Here is the exact text we had on the Amendments and Guidance page with a link to the rule (GPO) and our fact sheet.

Section 304

Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms

EPA announced a final rule to provide an administrative reporting exemption for releases to the air from animal waste at farms of any hazardous substance at or above the reportable quantity for those hazardous substances. These reports are unnecessary because there is no reasonable expectation that a federal response would be made as a result of such reports. The final rule reduces the burden of complying with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In addition, to a limited extent the final rule reduces EPCRA reporting requirements. This rule is effective January 20, 2009.

Regulation: CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms | [PDF](#) (13 pp, 226 K, [About PDF](#))

Fact Sheet: CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))

Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Jacob, Sicy
Sent: Friday, January 26, 2018 3:09 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: are you in today?

Ok thanks.
So, then we had the proposed and final rules too?

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mayer, Eileen
Sent: Friday, January 26, 2018 3:08 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: are you in today?

No worries. I was keeping an eye on things today anyway. So the only thing we had on the website was a fact sheet that I removed on 5-4-17. I saved a copy of what I pulled from the web, though I have the original PDF too.

That's all that we had up there.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Jacob, Sicy
Sent: Friday, January 26, 2018 2:56 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: are you in today?
Importance: High

We have to get back to OCIR/SEPW questions on guidance provided to CAFOs back in 2008/2009? I know when the court vacated the rule, Kim asked you to remove from our website any documents related to the 2007 (proposed) 2008 (final) rule.

I was wondering if for some reason you have those documents. I need to look thru to see if we provided any guidance like forms or factsheet etc.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mayer, Eileen
Sent: Friday, January 26, 2018 2:51 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: are you in today?

Only if it's an animal waste emergency.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Jacob, Sicy
Sent: Friday, January 26, 2018 2:50 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: are you in today?

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/22/2018 7:32:45 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: FW: EPA Filed a Motion to Further Delay Issuance of the Mandate Re: Reporting Requirements for Farms Under CERCLA/EPCRA

See Tim's comments below.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Timothy Gablehouse [mailto:tgablehouse@gcglc.com]
Sent: Monday, January 22, 2018 2:30 PM
Subject: EPA Filed a Motion to Further Delay Issuance of the Mandate Re: Reporting Requirements for Farms Under CERCLA/EPCRA

As of this time, the D.C. Circuit Court of Appeals has not yet issued the mandate to eliminate the EPA administrative reporting exemption on the CERCLA/EPCRA reporting requirements for farms.

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate by three months. EPA is requesting that the Court give time to allow EPA to further revise the guidance to be more effective in assisting farms with coming into compliance, to conduct outreach to ensure farms with limited or no internet access are aware of the reporting requirements, and to finish developing the streamlined continuous reporting form. Once the court issues the mandate the statutory reporting requirements will go back into effect.

We have updated the www.epa.gov/animalwaste with the following message:

On Friday, January 19, 2018, EPA filed a motion with the D.C. Circuit Court of Appeals to further delay issuance of the mandate. No reporting is required until the Court issues its order, or mandate, enforcing its decision to eliminate the reporting exemptions for farms. EPA will be updating this page daily to provide information on the court mandate.

We will continue to update you when we hear news on the request to further delay the mandate.

U.S. Environmental Protection Agency
OLEM/OEM/RMD

As an editorial comment, the plaintiffs will fight this motion and there is simply no way of knowing whether the Court of Appeals will act one way or the other.

Tim

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/31/2018 5:34:24 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: RE: CERCLA/EPCRA call follow ups

Sure no problem. Anytime!

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Levine, Carolyn
Sent: Wednesday, January 31, 2018 12:30 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

Thank you Sicy!

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Jacob, Sicy
Sent: Wednesday, January 31, 2018 12:12 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

Yes. thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management

U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Levine, Carolyn
Sent: Wednesday, January 31, 2018 12:11 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups

Thanks Sicy!

So, just to be clear, the "EPA guidance" we refer to is the FAQs/links on the EPA website?

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Jacob, Sicy
Sent: Wednesday, January 31, 2018 11:53 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
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We revised the guidance (FAQs) on Monday, January 29, 2018 to add new Qs & As. We also reorganized information to make it easier to follow. Here is the direct link to the guidance (FAQs).
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Regarding your question whether CAFOs have to report, there is a Q & A ([see below](#)) as part of the FAQs (guidance) mentioned above related to animal feeding operations that are under the air compliance agreement.

Do I have to report if I am participating in the EPA's Animal Feeding Operation Air Compliance Agreement?

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equal to or exceeding the hazardous substances' reportable quantities under CERCLA when EPA completes the National Air Emissions Monitoring Study.

Please note that, due to the vacatur of the December 2008 final rule, all farms (not just CAFOs) that have releases of any hazardous substances at or above their reportable quantities to air from animal waste are required to comply with CERCLA section 103, as soon as the court issue its mandate.

Let me know if you have any additional questions. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Levine, Carolyn

Sent: Wednesday, January 31, 2018 11:15 AM

To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>

Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>

Subject: CERCLA/EPCRA call follow ups

Hi OEM folks,

Hill staff were checking the links you forwarded on Friday, and have the following comments/issues. Can you help id the correct links? Thanks.

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but the link:

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doesn't seem to have any guidance other than FAQs – is there actual guidance or is what is on the second webpage all there is?

And when I clicked on the link about whether CAFOs have to report – this is what I got:

<https://www.epa.gov/node/189743/revisions/631719/view#AFOAgreement>

Sorry, but this web page is not available for viewing right now.

This page is not available for viewing either because EPA has not published it yet, or because EPA has allowed the publication of this page to lapse.

So, is there published guidance on this somewhere or is it all links on a website?

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Principe, Vanessa
Sent: Friday, January 26, 2018 4:52 PM
To: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: With attachment - RE: CERCLA/EPCRA call follow ups

With referenced attachment this time.

Thanks, V

From: Principe, Vanessa
Sent: Friday, January 26, 2018 4:49 PM
To: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Patricia Gioffre <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>
Subject: RE: CERCLA/EPCRA call follow ups
Importance: High

Carolyn/Christian/Jen,

Here is the follow-up information to our 1:30 call, for you to forward to the appropriate parties. Please let us know if you have any questions.

Thanks, V

Guidance Information Available for 2008 Rule-

To assist facilities with reporting continuous releases, EPA has developed a guide on the [Reporting Requirements for Continuous Releases of Hazardous Substances](https://www.epa.gov/epcra/reporting-requirements-continuous-releases-hazardous-substances-guide-facilities-compliance) that includes forms for written reports. The Guide provides an overview of the information required for the initial and first anniversary follow-up reports to assist facilities with the collection of the required information.

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NOTE – The guidance, the form and the instructions for facilities to comply with continuous release reporting have been posted since 1990. No additional reports are required after the first anniversary report, unless there are any changes to the previously reported information or there is a statistically significant increases (SSI) to the upper bound normal range reported.

These Resources Page / Links to Available Emission Estimation Techniques were available through trade associations and few universities that conducted emission studies.

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NOTE - Links for *Dairy Operations*; *Swine Operations*; *Poultry Operations*; and *General Emission Estimates for Ammonia from Beef, Dairy, Horse, Swine, Poultry Operations* on this page date to January/ February 2009.

Attached PDF - Fact Sheet for the 2008 Final Rule: *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms*

Legislative References -

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<https://www.law.cornell.edu/cfr/text/40/302.6>

EPCRA release reporting (general):

<https://www.law.cornell.edu/cfr/text/40/part-355/subpart-C>

NOTE - 355.32, which cross-references CERCLA for purposes of continuous release reporting

CERCLA continuous release reporting:

<https://www.law.cornell.edu/cfr/text/40/302.8>

From: Palich, Christian

Sent: Friday, January 26, 2018 2:39 PM

To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>

Subject: RE: CERCLA/EPCRA call follow ups

Thanks Carolyn, and appreciate everyone for getting on the call in such short notice.

Before we send anything up to the hill on this please send over my way please. Just wanted to stay in loop on what we are providing.

Have a great weekend!

Christian R. Palich

*Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S. Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov*

From: Levine, Carolyn
Sent: Friday, January 26, 2018 2:18 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: CERCLA/EPCRA call follow ups

I think this was the main follow up that Kusai requested, did anyone have any other items?
- docs/guidance provided that EPA referred to in 2009/2010

*Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov*

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/31/2018 5:11:41 PM
To: Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: CERCLA/EPCRA call follow ups

No worries ☺

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Principe, Vanessa
Sent: Wednesday, January 31, 2018 12:10 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Re: CERCLA/EPCRA call follow ups

Thanks Sicy!

Sorry if I didn't look at it more closely Friday and missed the response.

V

Sent from my iPhone

On Jan 31, 2018, at 10:53 AM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

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1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Levine, Carolyn
Sent: Wednesday, January 31, 2018 11:15 AM
To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>
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To: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
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O: 202.564.4944
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Intergovernmental Relations
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(202) 564-1859
levine.carolyn@epa.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/31/2018 4:55:15 PM
To: Susan Day [Susan.Day@erg.com]; Schneider, Thomas [Thomas.Schneider@csra.com]
CC: Chris Krejci [Chris.Krejci@erg.com]; Andrew Loll [andrew.loll@erg.com]
Subject: RE: Rulemaking Analysis Next Steps : Availability to Talk 1/30/18?

Thanks Susan.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Susan Day [mailto:Susan.Day@erg.com]
Sent: Wednesday, January 31, 2018 11:54 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Schneider, Thomas <Thomas.Schneider@csra.com>
Cc: Chris Krejci <Chris.Krejci@erg.com>; Andrew Loll <andrew.loll@erg.com>
Subject: RE: Rulemaking Analysis Next Steps : Availability to Talk 1/30/18?

Hi Sicy,

I just wanted to let you know that we are starting on the continuous release guidance document today and will have a draft to you by Feb 28. In the meantime, we will be in touch with any questions. Please feel free to reach out to us as well.

Thanks!

Susan

Susan Day | Senior Economist | Eastern Research Group | 781.674.7258

From: Jacob, Sicy [mailto:Jacob.Sicy@epa.gov]
Sent: Tuesday, January 30, 2018 9:02 AM
To: Schneider, Thomas <Thomas.Schneider@csra.com>
Cc: Danny Greene <Danny.Greene@erg.com>; Susan Day <Susan.Day@erg.com>; Naida Gavrelis <Naida.Gavrelis@erg.com>; Kurt Rindfusz <Kurt.Rindfusz@erg.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Rulemaking Analysis Next Steps : Availability to Talk 1/30/18?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

p.s. I know I said last week to hold off on the continuous release guidance document. Can you ask the team to start working on that instead until you get direction on the RQ rulemaking. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Schneider, Thomas [<mailto:Thomas.Schneider@csra.com>]
Sent: Monday, January 29, 2018 8:25 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Danny Greene <danny.greene@erg.com>; Susan Day <Susan.Day@erg.com>; Naida.Gavrelis@erg.com; Kurt Rindfusz <Kurt.Rindfusz@erg.com>
Subject: RE: Rulemaking Analysis Next Steps : Availability to Talk 1/30/18?

Sicy,

I hope all is well and that you had a nice weekend! Not sure if the window has closed, but I wanted to touch base and see if you had any availability tomorrow to briefly chat about the rulemaking? If not, no worries, but please let me know when might be a good time for you.


Thanks so much,

Thomas

Thomas Schneider
CSRA Inc.
Science, Policy and Mission Programs
3434 Washington Boulevard, Room 2020E, Arlington, VA 22201
c: (703) 819-2138 (**PREFERRED**) | o: 571-290-4464 (**NEW**) | e: thomas.schneider@csra.com | www.csra.com

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CSRA
Think Next. Now.

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From: Schneider, Thomas
Sent: Friday, January 26, 2018 2:27 PM

To: jacob.sicy@epa.gov

Cc: 'Danny.Greene@erg.com'; 'Susan Day'; 'Naida.Gavrelis@erg.com'; 'Kurt.Rindfusz@erg.com'

Subject: Rulemaking Analysis Next Steps : Availability to Talk 1/30/18?

Sicy,

I hope all is well! I just had a nice discussion with the folks from ERG who will be supporting the risk assessment (copied) in various capacities. ERG has lined up a great group of SME's to support the effort, however there are a few questions on what the format of the assessment and the details that you'd like to include in the deliverable. As such, we were wondering if you had any availability next Tuesday (1/30/18) to briefly connect and ensure that we have a firm plan moving forward? When you have a moment, please let me know when would be convenient for you to chat. I'll send out a meeting invite with the call-in information once we find a time that works.

Thanks so much and I hope you have a nice weekend,

Thomas

Thomas Schneider

CSRA Inc.

Science, Policy and Mission Programs


3434 Washington Boulevard, Room 2020E, Arlington, VA 22201

c: (703) 819-2138 (**PREFERRED**) | o: 571-290-4464 (**NEW**) | e: thomas.schneider@csra.com | www.csra.com

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CSRA

Think Next. Now.

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Message

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Sent: 1/24/2018 9:33:18 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Q&As

Thanks Kathy.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
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1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Franklin, Kathy
Sent: Tuesday, January 23, 2018 12:33 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: Q&As

I just added Earl's comments to the appropriate CERCLA/EPCRA QAs (added them as comment bubbles in the margin) on the Sharepoint site. His cited page numbers for the QAs are not the same as before as we keep editing the document, but I think I was able to identify which question he was addressing.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987
Email: franklin.kathy@epa.gov

From: Salo, Earl
Sent: Wednesday, January 17, 2018 1:55 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: Q&As

Kathy-

I reviewed the current version of the EPCRA/CERCLA Q&A document on Sharepoint, and I have a few suggestions.

Attorney Client / Ex. 5

Attorney Client / Ex. 5

I hope this is helpful, and I'd be happy to discuss it. Thanks.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/8/2018 9:18:21 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Subramanian, Hema [Subramanian.Hema@epa.gov]; Dunkins, Robin [Dunkins.Robin@epa.gov]; Costa, Allison [Costa.Allison@epa.gov]; Schrock, Bill [Schrock.Bill@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Thomas, Latosha [Thomas.Latosha@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website

I think I know the answer to this question. Is NAEMS study only on CAFOs?
If so, then completing the NAEMS only solve half of the problems of the farm universe subject to CERCLA.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Monday, January 08, 2018 3:10 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Thomas, Latosha <Thomas.Latosha@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: REVIEW REQUESTED DRAFT- Two new Questions for the CERCLA EPCRA website
Importance: High

In order to prepare for some commonly asked questions, I am suggesting the following two questions that we can post to the website quickly. The rest of the questions will be posted by January 22nd. The first paragraph in the 2nd question is from the response to the CAA 111 petition recently signed by the Administrator (though I removed CAFO) since the same principals apply for pastured animals.

Why do I need to report?

In 2008, EPA published a final rule that exempted most farms from certain CERCLA and EPCRA release reporting requirements. However, the U.S. Court of Appeals for the DC Circuit struck down EPA's rule on April 11, 2017. Therefore, EPA's regulatory exemption no longer applies. As a result of the Court decision, farms with animal operations that release certain amounts of hazardous substances will be required to report these air emissions as early as January 22, 2018.

Why can't EPA tell me how many animals require reporting?

Many factors influence emissions, including the geographic location and environmental conditions (e.g. soil type, precipitation, humidity, temperature, water availability, wind conditions, terrain), management practices (e.g. feed, manure), animal characteristics (e.g. number, species, life stage), operating conditions (e.g. housing/confinement types) and general management practices. Due to the complex interactions of all of these factors, emissions cannot be standardized based solely on the number and type of animals at each animal operation. There are many scenarios when an animal operation with fewer animals will have higher emissions than an operation with a greater number of the same species of animals.

EPA is working on completing the National Air Emissions Monitoring Study (NAEMS). NAEMS will help the agency develop methodologies to estimate emissions from a wide variety of types of CAFOs and thus better inform emission estimates from animal waste. However, that work will not be completed prior to the Court's mandate that farms report.

To help you comply with the Court's requirement, EPA has made resources [HYPERLINK] available that may be helpful in estimating emissions. You may also use other models for estimating emissions. You should keep a copy of any calculations for future reference.

Finally, you may estimate quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Monitoring data is not required.

Please take a look at these two questions and get back to me quickly with any edits.

Thanks!

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: CERCLA103.guidance [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=710FA69579C0468E91C9E04B71E84C13-CERCLA103.G]
Sent: 1/30/2018 3:17:32 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]
Subject: FW: Reporting requirements

Hi, here is one more comment we got in the CERCLA 103 email inbox.

Sícy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Geof Dolman [mailto:geofdolman@yahoo.com]
Sent: Monday, January 29, 2018 11:18 AM
To: CERCLA103.guidance <CERCLA103.guidance@epa.gov>
Subject: Reporting requirements

I understand that, “ Ammonia (NH₃) and hydrogen sulfide (H₂S) are common hazardous substances emitted from animal waste that require reporting if released to the air in amounts greater than or equal to their reportable quantity of 100 lbs within a 24-hour period.” However, I seem to be going round and round in circles trying to get an idea of how much ammonia and hydrogen sulfide my animals emit. I only have between 20 and 25 animals including calves and brood cows, so I doubt very much that emit 100 lbs of those gases, but I don’t know. Is there a document somewhere that says, or can you tell me, how much ammonia and hydrogen sulfide cattle emit in a day?

Very grateful for assistance,

Geoffrey Dolman
Roselily Farm

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/17/2018 12:42:32 PM
To: Beasley, Lynn [Beasley.Lynn@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: [epa_afo_news] EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hi, Lynn: I am not on the OW list serve. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Beasley, Lynn
Sent: Wednesday, January 17, 2018 7:25 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: [epa_afo_news] EPA factsheets on CERCLA-EPCRA reporting for animal waste

Hi Sicy & Kathy,

Not sure if you are on this list serve that the OW maintains.

Lynn M. Beasley, Chief
Resources Management Staff (RMS)/Program Management, Communications, and Analysis Office (PMCAO)
Office of Resource Conservation and Recovery (ORCR)
Mail Code: 5305P/Rm 6622
office: (703) 308-0012
cell: (202) 309-4538

From: Molloy, Jennifer [<mailto:molloy.jennifer@epa.gov>]
Sent: Tuesday, January 16, 2018 4:33 PM
To: EPA AFO News Programs <epa_afo_news@lists.epa.gov>
Subject: [epa_afo_news] EPA factsheets on CERCLA-EPCRA reporting for animal waste

FYI, please see the announcement below from EPA's Office of Emergency Management regarding a new factsheet for outreach on CERCLA-EPCRA reporting for animal waste.

Jenny Molloy
U.S. EPA
Water Permits Division
202.564.1939

Due to a recent court decision, farms (including ranches, livestock operations and/or animal operations) will soon be required to report hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) when they release hazardous substances from animal waste in amounts greater than/equal to their reportable quantity within a 24-hour period. The purpose of these fact sheets and FAQs is to provide an overview and basic information for those who are impacted by this new requirement.

If you have any questions, please contact the Environmental Protection Agency via the information provided below:

- Visit www.epa.gov/animalwaste for guidance and access to the continuous release reporting forms (including [new factsheet](#))
- Email comments or suggestions on guidance materials to: CERCLA103.guidance@epa.gov
- Regional Contacts: www.epa.gov/epcra/cr-erns-regional-contacts
- Call with questions: 1-800-424-9346

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 1/4/2018 9:45:37 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Thomas, Latosha [Thomas.Latosha@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Perrin, Rebecca [Perrin.Rebecca@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: CERCLA EPCRA Factsheet
Attachments: CERCLA EPCRA Factsheet 1-4-18 kjj edits 1-4-18 Sicy's edits.docx

Hi, I see one minor thing we need to fix – second page. Sorry for the late comment. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, January 04, 2018 3:37 PM
To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: CERCLA EPCRA Factsheet

Already incorporated comments from you, Rebecca, Earl and Kim. See attached. Feel free to use this and add in additional comments. I am going to turn my attention to incorporating comments on the congressional.

Thanks!

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Thomas, Latosha
Sent: Thursday, January 04, 2018 3:34 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: CERCLA EPCRA Factsheet

Thanks. I'll consolidate all of the comments once I hear back from Jen Lewis.

From: Jennings, Kim

Sent: Thursday, January 04, 2018 3:19 PM

To: Thomas, Latosha <Thomas.Latosha@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: CERCLA EPCRA Factsheet

Hi,

Attached are my comments on the factsheet.

Thanks,

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas, Latosha

Sent: Thursday, January 04, 2018 1:16 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: RE: CERCLA EPCRA Factsheet

I made a small change related to "farms with animal operations". Also, do we need to put in some language that lets farmers know that they can call, but that email notification is the primary method? I'm thinking about the comments that Reggie made related to the press release...Other than that, I'm fine.

From: Gioffre, Patricia

Sent: Thursday, January 04, 2018 12:44 PM

To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>

Cc: Mayer, Eileen <Mayer.Eileen@epa.gov>

Subject: CERCLA EPCRA Factsheet

Please let me know if you have any edits. Most of this information is pulled from the website.

Jen- Please let us know if you have any concerns.

Thanks!

Patty Gioffre

US EPA/OLEM/OEM

202-564-1972

202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Perrin, Rebecca

Sent: Thursday, December 28, 2017 5:23 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Nguyen, Danny <nguyen.danny@epa.gov>

Subject: Draft 1 pager - Please feel free to edit

Importance: High

Patty, Kathie, and Danny,

Attached is my first attempt at a 1 pager using language from our website. I think it addresses the basic info folks might get asked from producers. I have a couple of questions listed as placeholders.

Please feel free to edit.

The purpose of this document is to provide state departments of ag and associations with a cheat sheet to the most relevant info on our guidance website. This will hopefully help when they start getting calls after the PSA airs on the radio.

Thanks again.

Rebecca Perrin

Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA

1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Overview

In 2008, EPA published a final rule that exempted ~~most~~ farms from reporting hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and only large concentrated animal feeding operations (or CAFOs) were subject to the Emergency Planning and Community Right to Know Act (EPCRA) reporting. A number of citizen groups challenged the validity of the final rule in the U.S. Court of Appeals for the DC Circuit. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms.

What needs to be reported?

Typical hazardous substances associated with animal wastes include ammonia (NH₃) and hydrogen sulfide (H₂S). Both have a reportable quantity (RQ) of 100 pounds. If a farm releases ammonia and/or hydrogen sulfide in amounts \geq the RQ (100 lbs) within a 24-hour period, then the farm owner or operator must notify the National Response Center (NRC).

When do I have to comply?

Farms with continuous releases do not have to submit their initial continuous release notification until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. The court is expected to issue the mandate on January 22, 2018. No reporting is necessary until the mandate is issued.

How do I report for CERCLA?

Farm with animal operations must comply with CERCLA section 103 reporting requirements for air releases of hazardous substances from animal waste at their farms. Farms may follow a streamlined reporting process known as "continuous release reporting." This requires the facility owner or operator to:

- Notify the NRC at: [[HYPERLINK "mailto:farms@uscg.mil"](mailto:farms@uscg.mil)]. See **CERCLA Reporting Process**.
- Submit an initial written notification to the EPA Regional Office (Continuous Release Reporting Form); and
- One year later submit an additional follow-up written notification to the EPA Regional Office.

Do I need to submit an EPCRA continuous release report?

Not for routine agricultural operations. EPA interprets the statute to exclude farms that use substances in "routine agricultural operations" from reporting under EPCRA section 304. This encompasses regular and routine operations at farms, animal feeding operations, nurseries, other horticultural operations, and aquaculture. For more information, see: [https://\[\[HYPERLINK "http://www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal"\]\(https://www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal\) \]](https://www.epa.gov/epcra/question-and-answer-epcra-reporting-requirements-air-releases-hazardous-substances-animal).

CERCLA Reporting Process

Step 1: Provide the NRC with an initial continuous release notification by [[HYPERLINK "mailto:NRC-CERCLA-EPCRA-REPORT@uscg.mil"](mailto:NRC-CERCLA-EPCRA-REPORT@uscg.mil)] ([[HYPERLINK "mailto:farms@uscg.mil"](mailto:farms@uscg.mil)]) by phone (1-800-424-8802). An owner or operator can send one email notification for multiple farms.

Your email should identify that this is an initial continuous release notification and include:

- Name of the farm
- Location of the farm (e.g., name of city/town and state)
- Name(s) of the hazardous substance(s) release (ammonia and/or hydrogen sulfide)

Note: The NRC does not require personally identifiable information, such as an address for a private residence. A generic location (name of city/town and state) may be sufficient.

You will receive an email from the NRC with a single identification number (CR-ERNS) for your farms(s). Include the CR-ERNS number on the follow-up report discussed in Step 2.

Step 2: Submit an initial written notification to the EPA Regional Office ([[HYPERLINK "https://www.epa.gov/epcra/cr-erns-regional-contacts"](https://www.epa.gov/epcra/cr-erns-regional-contacts)]) for the area where the release occurs, within 30 days of the call to the NRC. Use the Continuous Release Reporting Form.

Step 3: Submit a one-time first anniversary follow-up report to the EPA Regional Office.

How often do I need to estimate emissions?

You must annually review emissions from the farm. You'll also need to estimate emissions following any significant changes in operations that may result in statistically significant increases (SSI) in emissions.

How can I reduce emissions?

EPA and United States Department of Agriculture (USDA) developed a reference guide that provides conservation measures for reducing air pollutant emissions and/or reducing air quality impacts from livestock and poultry operations. See: [[HYPERLINK "https://www.epa.gov/afos-air/agricultural-air-quality-conservation-measures-reference-guide-poultry-and-livestock"](https://www.epa.gov/afos-air/agricultural-air-quality-conservation-measures-reference-guide-poultry-and-livestock)].

Are there additional continuous release reporting requirements?

You must immediately notify the NRC of any SSI or of a change in previously submitted release information. This is an ongoing requirement and is most likely to be triggered by:

- An increase in the number of animals maintained on the farm (beyond the range used for the initial report) or
- A significant change (or disruption) in waste handling systems or procedures.

Do farms that have cattle that reside primarily outside of an enclosed structure and graze on pastures, need to comply with reporting releases of hazardous substances from animal wastes under CERCLA section 103?

Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source, and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Additional Resources

- Email comments or suggestions on guidance materials to: [[HYPERLINK "mailto:CERCLA103.guidance@epa.gov"](mailto:CERCLA103.guidance@epa.gov)]
- Regional Contacts: [[HYPERLINK "https://www.epa.gov/epcra/cr-erns-regional-contacts"](https://www.epa.gov/epcra/cr-erns-regional-contacts)]
- Continuous Release Reporting Forms: [[HYPERLINK "https://www.epa.gov/animalwaste"](https://www.epa.gov/animalwaste)]

Questions?

- See the CERCLA and EPCRA guidance for more information: [[HYPERLINK "https://www.epa.gov/animalwaste"](https://www.epa.gov/animalwaste)]
- Call the EPCRA, RMP & Oil Information Center at: 1-800-424-9346 for compliance assistance

Estimating Emissions

EPA has emission estimate resources available which may assist farmers in estimating emissions. Farmers may also use other models in estimating emissions. Monitoring data is not required.

You may also establish estimated quantities of releases by relying on:

- Past release data;
- Engineering estimates;
- Your knowledge of the facility's operations and release history; or
- Your best professional judgment.

Farmers should keep a copy of the calculation for future reference.

For more information, please see the Resources link at: [[HYPERLINK "https://www.epa.gov/animalwaste"](https://www.epa.gov/animalwaste)]

Commented [JS1]: I thought we were going to change this term to "animals" as we know it is not just cattle that would be grazing – sheep, goats, bison, horses, etc.

I see that the answer to the question say "animals" – in the last sentence.

This document summarizes guidance available on EPA's website on CERCLA and EPCRA reporting requirements for air releases of hazardous substances from animal waste at farms. This is not intended to be official guidance but a useful resource for those looking for further information and for providing compliance assistance.

Office of Emergency Management

[PAGE *MERGEFORMAT]

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/21/2017 4:34:48 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Noggle, William [Noggle.William@epa.gov]
Subject: RE: Emergency ICR - SAN 5484.1

Patty and I discussed the language in the guidance and the FR notice background section. For the intro in the guidance, we think that the existing phrase, "above threshold levels" is ok. We are changing the ICR background to say "at or above threshold levels". I will make sure that the supporting statement is consistent with the FR notice. Thanks for your edits and suggestions.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lewis, Jen
Sent: Tuesday, November 21, 2017 11:24 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

Let's make them consistent (whatever is right).

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Jacob, Sicy
Sent: Tuesday, November 21, 2017 11:15 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

Hi, I just noticed that the guidance has that phrase "above threshold levels." I will speak to Patty about it. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management

U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Noggle, William
Sent: Tuesday, November 21, 2017 11:05 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

fyi

From: Lewis, Jen
Sent: Tuesday, November 21, 2017 11:04 AM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

I'm not sure! My expert is out. I was just copying the guidance. I think Kim or Patty would know. Our existing guidance is similar (using the "or more").

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Cheatham, Reggie
Sent: Tuesday, November 21, 2017 11:02 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

Jen for clarity in my mind:

farms are now subject to CERCLA reporting for air releases of hazardous substances from animal wastes that are **equal or greater** than the reportable quantities (RQs) within any 24-hour

Is it equal to or greater than a RQ....or exceeds a RQ within any 24 hour period?

Otherwise....everything tracks for me to sign

Thanks

Reggie Cheatham, Director
Office of Emergency Management, USEPA
202.564.8003 (O); 202.689.9400 (M);
cheatham.reggie@epa.gov
Doris Williams, Executive Assistant
202.564.0053

From: Lewis, Jen
Sent: Tuesday, November 21, 2017 10:55 AM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>
Subject: FW: Emergency ICR - SAN 5484.1

Hi folks – just FYI that David asked us to take a look at the FR notice for the ICR. Below is my response, along with some suggested edits. In the interest of moving this quickly, I wanted to send to you even though I am not sure if he'll want to send these changes forward. Happy to discuss if needed.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Lewis, Jen
Sent: Tuesday, November 21, 2017 10:53 AM
To: Fotouhi, David <fotouhi.david@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Subject: RE: Emergency ICR - SAN 5484.1

David,

Upon further review of my emails, I'm not sure SWERLO reviewed the FR notice. Erik reviewed the ICR notice itself, but I could not find the FR notice in my emails. It's possible Erik or Earl reviewed, but I can't be sure.

That said, I think the FR notice tracks our guidance pretty closely. Keep in mind that the ICR is CERCLA specific, and so the statement below is accurate. I went ahead and made some clarifying changes (e.g., to clarify that all farms are "subject" to CERCLA reporting for releases above the RQ in a 24 hour period).

My changes are attached. I will also send directly to the program.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Fotouhi, David
Sent: Monday, November 20, 2017 3:47 PM
To: Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: FW: Emergency ICR - SAN 5484.1
Importance: High

Has this notice been reviewed by SWERLO? There are a few phrases in the notice that may not be consistent with what we had discussed when putting together the guidance, such as "All farms are now subject to reporting air releases of hazardous substances from animal wastes at farms." Could you please take one more look? Thanks.

David Fotouhi

Deputy General Counsel
Office of General Counsel

U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Darwin, Veronica
Sent: Monday, November 20, 2017 1:08 PM
To: Dravis, Samantha <dravis.samantha@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Kime, Robin <Kime.Robin@epa.gov>
Subject: FW: Emergency ICR - SAN 5484.1
Importance: High

Good afternoon,
My apologies for the short notice - OLEM is requesting OP clearance on an emergency ICR FR notice. Please read below. It is my understanding from talking to OLEM that OGC has cleared the materials. Please let me know what you need from OLEM before we can get this over to OMB. Thank you!

Veronica

From: Noggle, William
Sent: Monday, November 20, 2017 11:24 AM
To: Darwin, Veronica <darwin.veronica@epa.gov>; Jutras, Nathaniel <Jutras.Nathaniel@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Kerwin, Courtney <Kerwin.Courtney@epa.gov>
Subject: Emergency ICR - SAN 5484.1

Veronica, Nicole, Nate,
We need your help expediting OP clearance on an emergency ICR FR notice (and ICR package to OMB for review).

Due to a recent court vacatur, farmers will be required to report continuous releases of hazardous substances from animal waste starting on December 15, 2017. A general continuous release reporting form is currently in use, but the form is not tailored for releases from animal waste. OLEM has developed a streamlined form for farmers to report continuous releases, but the form needs to be cleared by OMB before regulatees can begin using the form. OMB recommended EPA publish an FR notice announcing a 10-day public comment period on the streamlined form. OMB also recommended that EPA submit (via ROCIS) the ICR package to OMB for clearance (in parallel with the public comment period). OMB will not conclude review of the ICR package until after the public comment period has ended. For the form to be ready for public use by December 15, the FR notice needs to be published by December 1. To meet this deadline, I believe the FR notice needs to be sent to the OFR by November 24.

Attached is the draft FR notice and the action info doc. Please note the comment period will be changed to 10 days in the FR notice. Also, we are trying to get the ICR milestones added to SAN 5484.1.

Any help in expediting OP clearance would be greatly appreciated. We'll send over the disk package shortly.

Thanks,
Bill
202-566-1306

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/20/2017 7:31:44 PM
To: Mayer, Eileen [Mayer.Eileen@epa.gov]
Subject: RE: template for guidance document

Ok thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mayer, Eileen
Sent: Monday, November 20, 2017 2:29 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: template for guidance document

Hi Sicy,

Unfortunately we do not have a set template for guidance. It is at your discretion. However, the end product must be 508 compliant. Oh, and the EPA logo should be used on the document, not the EPA seal.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Jacob, Sicy
Sent: Monday, November 20, 2017 2:25 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: template for guidance document

Hi, Eileen: Is there a particular format that we need to follow for guidance document. I am thinking about revising the continuous release reporting guidance. I am talking to SRA/subcontract. The guidance that all farms are following now looks awful – blank tables/figures and I think some information is outdated as well.

So, is there a template that the guidance should be in. Can you forward that to me. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/15/2017 8:53:24 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

So, are we still hoping that the court would issue a later date for compliance...it is almost the end of the day...

"Farmers do not need to report until the court issues their mandate on the rule vacatur."

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Wednesday, November 15, 2017 3:46 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Sorry for the delay in responding. See below. I am available to discuss, as necessary.

I am also looping in Sicy Jacob.

Sicy may be able to respond to these requests sooner than I can.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, November 15, 2017 10:36 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Morning Kim, Margaret

We pushed the email option yesterday but we just learned today that the NRC is NOT accepting calls regarding releases from animal waste . They are only accepting emails.

A few questions for today.

We have heard many callers say they do not use email or do not have computers. Does EPA have any recommendations for these callers?

We understand this concern and continue to work with the NRC to resolve this issue.

In the meantime, we recommend that farmers document their attempts to call the NRC and those who do have access to email are encouraged to use email to submit their initial continuous release notification to the NRC.

Also, callers are asking what the compliance date is for this initial notification? Can EPA provide an answer we can share with callers if asked?

Farmers do not need to report until the court issues their mandate on the rule vacatur. EPA has updated the website to emphasize this point. Please ask callers to check the website for updates.

Is the NRC able to create an alias email address that is shorter and easier to convey over the phone. Some callers note it is hard to understand via the NRC recorded message. They call and it is still difficult to convey. Something as simple as Farms@uscg.mil would be really nice.

Agree and I will raise this suggestion to the NRC. I don't have high hopes.

A caller submitted one email to the NRC for multiple farms, per the guidance, but he only received one CR-ERNS number for all of them. Shouldn't each farm have a separate number? Is the NRC system working correctly?

The email system is working correctly. That one CR-ERNS number should be used for each facility reported in the email.

Thank you,
Christopher

From: Jennings, Kim [<mailto:Jennings.Kim@epa.gov>]

Sent: Tuesday, November 14, 2017 12:57 PM

To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

Thanks for the information. The NRC is getting inundated with calls. So they have established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. If they call, they can only report on location per call.

Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: NRC-CERCLA-EPCRA-REPORT@uscg.mil. Alternatively, the NRC phone number for these notifications is: 1-800-424-8802 but there are long wait times to call in so the NRC is suggesting farms use the email method.

Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days.

Let me know if you have any questions.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Tuesday, November 14, 2017 12:30 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Kim,

Today, we have answered 43 calls on animal waste release reporting. Yesterday, we answered 11.

A large percentage of calls today are from callers who have been told by other's including, Tyson Chicken, that farmers have to call the NRC today, but when they call the NRC the recording says they will not accept notifications until tomorrow. The callers then call us to make the initial notification. Some callers are also stating that some of their colleagues were able to make the notification with NRC a week or so ago, but now the NRC is waiting till the 15th. Do we know why the NRC stopped taking initial notifications and are waiting till tomorrow to resume? Callers are also fearful that they won't be in compliance because Tyson's is telling them that they have to do it before the 15th.

Other callers just want to know the process, who to call, what forms to send as their initial notification and where to send them.

Thank you,
Christopher

From: Barkey, Christopher [USA]
Sent: Tuesday, November 14, 2017 12:09 PM
To: 'Jennings, Kim' <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Kim,

We are very busy today. Callers have been told or have documentation stating that they had to call the NRC today but the NRC is not taking notifications until tomorrow so they are calling us to report their initial notification.

I will pull some statistics and send along shortly.

Thank you,
Christopher

From: Jennings, Kim [<mailto:Jennings.Kim@epa.gov>]
Sent: Tuesday, November 14, 2017 11:30 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

Could you give me the latest data/information on Info Center call volume related to the EPCRA/CERCLA guidance?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 09, 2017 4:16 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks Christopher. Much appreciated.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Thursday, November 09, 2017 4:12 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Good afternoon,

The revised phone tree is now operation. It now includes the following statement, "For questions on CERCLA and EPCRA release notification, including releases from animal wastes please press 5."

If there any changes you would like, please let me know.

Thank you,
Christopher

From: Jennings, Kim [<mailto:Jennings.Kim@epa.gov>]
Sent: Thursday, November 9, 2017 11:46 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

That is perfect. Thank you very much for the suggestion.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Thursday, November 09, 2017 11:41 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Re: [External] Questions on EPCRA/CERCLA guidance

Good morning,

Yes, we can add a phone tree option for release notification. The current phone tree does state that if callers are unsure of the program area they can hold to be transferred to an agent. So my hope is that farmers would follow that guidance. But adding a release notification option should eliminate any doubts. The message could be very specific message that references farms, but maybe just a more general message for release notification questions that would capture all types of callers. For example:

"For questions on CERCLA and EPCRA release notification, including releases from animal wastes please press #"

This just one idea. If you think this will work or if you would prefer the other message, just let me know and I will get started.

Thank you
Christopher.

[Get Outlook for iOS](#)

From: Jacob, Sicy <jacob.sicy@epa.gov>
Sent: Thursday, November 9, 2017 10:12 AM
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

To: Jennings, Kim <jennings.kim@epa.gov>, Gerardin, Margaret <gerardin.margaret@epa.gov>, Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <gioffre.patricia@epa.gov>

Well, if farms are following the guidance, they would certainly know it is under CERCLA 103. What I am saying is, as the hotline is set up to press 1 for EPCRA, 2 for RMP and 3 for Oil, then of course farms won't know which one to press, as there is no number to press for CERCLA 103.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, November 09, 2017 10:08 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

No, it is because they don't know what regulation reporting animal waste falls under...

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov | Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, November 09, 2017 10:04 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Do you think it's because the call enter does not include "CERCLA"...It is just now "EPCRA, RMP, & Oil Information Center".

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, November 09, 2017 9:59 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret,

Sorry I didn't explain further. We are not asking to get a count, we are asking because farmers don't know what button to push and are call the NRC saying they don't understand where to go once they call into the Call Center.

We need to try to make this change ASAP so the NRC doesn't keep getting a lot of non-reporting calls.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 09, 2017 9:47 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Kim --

The "please press [#]..." are normally used for programs (i.e., "press 1 for EPCRA, 2 for RMP, 3 for OIL...").

Are you asking this question in order to get a count of the number of animal waste calls or do you think it will be easier for the farmers to be routed to the correct representative?

Christopher – your thoughts?

Margaret Gerardin|| Environmental Protection Specialist
Office of Emergency Management|| US Environmental Protection Agency
1200 Pennsylvania Avenue NW|| MC:5104-A|| Washington, DC 20460
202-564-2491 office|| 202-697-9818 remote

From: Jennings, Kim
Sent: Thursday, November 09, 2017 9:40 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret and Christopher,

Is it possible to add a prompt on the Call Center telephone line for farmer who are calling in with questions on the EPCRA/CERCLA guidance? Something like: "If you are a farm owner/operator calling with questions about the CERCLA/EPCRA guidance or reporting requirements related to animal waste, please press [#]..."

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Wednesday, November 08, 2017 9:53 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks for the update, Christopher. Glad the call numbers and questions have been manageable.

I'm sharing your questions with Sicy for her insight.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, November 08, 2017 9:45 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Good morning.

The Information Center has only received maybe a couple dozen calls on this topic. Nothing too complicated. A couple callers, as you can probably guess, really just wanted someone to tell them exactly what they had to do and exactly how to calculate release. We share with them the steps for continuous release reporting and that is pretty straight forward as there is a lot of great guidance. The callers who do not want to take the time to read any of the estimation guidance materials are a bit trickier.

I have a couple of questions came to mind after continued review of the release reporting materials/guidance/regulations.

1. What is the difference between the Dairy and Swine Report Worksheets ([page 3](#)), which helps calculate both ammonia and hydrogen sulfide releases, and the Ammonia Emissions Estimator? Are they just two different pieces of guidance that assist with making release estimates? The Ammonia Emissions Estimator seems a bit more complicated. Is one better than the other? (worksheets found at <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>)
2. Same questions for Poultry. There are a couple documents available to calculate ammonia releases. Do they do the same thing? Is one better than the other?

- For the Beef and Horse sections of the table, there is only an Ammonia Emissions Estimator. There is no hydrogen sulfide resource materials. Is that because beef cattle and horses do not have hydrogen sulfide in their waste or is it just that EPA had not yet posted any tools to help with estimating hydrogen sulfide emission for beef cattle and horses?
- The Dairy section has a tool that helps with estimating both ammonia and hydrogen sulfide. Can that tool also be used for Beef cattle or are the wastes from each animal vastly different? In other words since beef cattle do not have a worksheet for hydrogen sulfide can those farms use the dairy cattle worksheet that does include hydrogen sulfide?

Resources for Emissions Estimates		
Type	Ammonia	Hydrogen Sulfide
Beef	Ammonia emissions calculator (2 pp, 11 K, About PDF) Emissions calculator (2 pp, 11 K, About PDF)	---
Dairy	Dairy Report worksheet (2 pp, 17 K, About PDF) (see page 30)	Dairy Report worksheet (2 pp, 17 K, About PDF) (see page 30)
	Ammonia emissions calculator (2 pp, 11 K, About PDF)	---

- Since the exemption was vacated, do facilities have to back report for releases that were exempt under the now vacated rule? It appears the court's ruling becomes effective on November 15, 2017, thus there are no back reporting requirements. Can you please confirm?
- We are finding it a bit difficult to explain EPCRA release reporting applicability based on the guidance available for farms. We have just been reading the web site and factsheet to callers, but I don't think they are getting it like they do for CERCLA. As we try to explain that being subject under EPCRA is based on if they have OSHA defined Hazardous Chemicals on site and then detail that any substance used in routine agricultural operations is not a hazardous chemical, it gets confusing since there is no formal definition yet for "routine ag operations". There are some examples of routine ag operations, which are helpful, but if farmers don't see their use in those examples they are might believe they are subject or don't want to wait for EPA clarification on "routine agricultural operations". Here is the question, if an animal farmer is not sure if they are totally exempt from EPCRA, should they just comply with EPCRA release reporting requirements.
- As noted on the Web site, "farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer)". Can an animal feed lot that generates manure take this exemption? The release of haz substances to the air would begin at the time waste was generated by the animals. If an animal famer was also going to use that manure later for fertilizer, would this exemption be available to them in order to discount the releases to air? Or does it only apply at the point of time when it is actually placed on the land "as fertilizer". In other words, when does the exemption begin? This has not come up on the phone, but was hoping there might be some additional clarification in case it does.

If you need additional clarification/details about these questions, please let me know.

Thank you,
Christopher
703-412-7793

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Tuesday, November 7, 2017 6:14 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Subject: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher – just checking-in.

How are the animal waste guidance calls going? Has there been a spike and fall-off, has the call volume been level, or another scenario? Have there been any unanswerable/difficult questions?

Hope all is well.

Thanks.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/15/2017 5:35:21 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: FW: [External] Questions on EPCRA/CERCLA guidance

This is getting too much.
I can answer some of his Christopher's answers but not all.

One of you (well, Patty, sorry) have to work things out with NRC about accepting calls for farms that do not have the capability to send emails.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, November 15, 2017 10:36 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Morning Kim, Margaret

We pushed the email option yesterday but we just learned today that the NRC is NOT accepting calls regarding releases from animal waste . They are only accepting emails.

A few questions for today.

We have heard many callers say they do not use email or do not have computers. Does EPA have any recommendations for these callers?

Also, callers are asking what the compliance date is for this initial notification? Can EPA provide an answer we can share with callers if asked?

Is the NRC able to create an alias email address that is shorter and easier to convey over the phone. Some callers note it is hard to understand via the NRC recorded message. They call and it is still difficult to convey. Something as simple as Farms@uscg.mil would be really nice.

A caller submitted one email to the NRC for multiple farms, per the guidance, but he only received one CR-ERNS number for all of them. Shouldn't each farm have a separate number? Is the NRC system working correctly?

Thank you,

Christopher

From: Jennings, Kim [<mailto:Jennings.Kim@epa.gov>]

Sent: Tuesday, November 14, 2017 12:57 PM

To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

Thanks for the information. The NRC is getting inundated with calls. So they have established an e-mail notification system so farm owners/operators can email their continuous release reports to the NRC, as an alternative to calling the NRC. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail. If they call, they can only report on location per call.

Please encourage farmers to use this e-mail option to provide the National Response Center (NRC) with their initial continuous release notification. The NRC e-mail address is: NRC-CERCLA-EPCRA-REPORT@uscg.mil. Alternatively, the NRC phone number for these notifications is: 1-800-424-8802 but there are long wait times to call in so the NRC is suggesting farms use the email method.

Once the email is received by the NRC e-mail notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm (note: this number will be the same for all farm owners/operators who provide their initial notification to the NRC via email). The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to the EPA Regional Office within 30 days.

Let me know if you have any questions.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]

Sent: Tuesday, November 14, 2017 12:30 PM

To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Kim,

Today, we have answered 43 calls on animal waste release reporting. Yesterday, we answered 11.

A large percentage of calls today are from callers who have been told by other's including, Tyson Chicken, that farmers have to call the NRC today, but when they call the NRC the recording says they will not accept notifications until tomorrow. The callers then call us to make the initial notification. Some callers are also stating that some of their colleagues were able to make the notification with NRC a week or so ago, but now the NRC is waiting till the 15th. Do we know why the NRC stopped taking initial notifications and are waiting till tomorrow to resume? Callers are also fearful that they won't be in compliance because Tyson's is telling them that they have to do it before the 15th.

Other callers just want to know the process, who to call, what forms to send as their initial notification and where to send them.

Thank you,
Christopher

From: Barkey, Christopher [USA]
Sent: Tuesday, November 14, 2017 12:09 PM
To: 'Jennings, Kim' <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Kim,

We are very busy today. Callers have been told or have documentation stating that they had to call the NRC today but the NRC is not taking notifications until tomorrow so they are calling us to report their initial notification.

I will pull some statistics and send along shortly.

Thank you,
Christopher

From: Jennings, Kim [<mailto:Jennings.Kim@epa.gov>]
Sent: Tuesday, November 14, 2017 11:30 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

Could you give me the latest data/information on Info Center call volume related to the EPCRA/CERCLA guidance?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 09, 2017 4:16 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks Christopher. Much appreciated.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Thursday, November 09, 2017 4:12 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Good afternoon,

The revised phone tree is now operation. It now includes the following statement, "For questions on CERCLA and EPCRA release notification, including releases from animal wastes please press 5."

If there any changes you would like, please let me know.

Thank you,
Christopher

From: Jennings, Kim [mailto:Jennings.Kim@epa.gov]
Sent: Thursday, November 9, 2017 11:46 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher,

That is perfect. Thank you very much for the suggestion.

Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Thursday, November 09, 2017 11:41 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Re: [External] Questions on EPCRA/CERCLA guidance

Good morning,

Yes, we can add a phone tree option for release notification. The current phone tree does state that if callers are unsure of the program area they can hold to be transferred to an agent. So my hope is that farmers would follow that guidance. But adding a release notification option should eliminate any doubts. The message could be very specific message that references farms, but maybe just a more general message for release notification questions that would capture all types of callers. For example:

"For questions on CERCLA and EPCRA release notification, including releases from animal wastes please press #"

This just one idea. If you think this will work or if you would prefer the other message, just let me know and I will get started.

Thank you
Christopher.

Get [Outlook for iOS](#)

From: Jacob, Sicy <jacob.sicy@epa.gov>
Sent: Thursday, November 9, 2017 10:12 AM
Subject: RE: [External] Questions on EPCRA/CERCLA guidance
To: Jennings, Kim <jennings.kim@epa.gov>, Gerardin, Margaret <gerardin.margaret@epa.gov>, Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <gioffre.patricia@epa.gov>

Well, if farms are following the guidance, they would certainly know it is under CERCLA 103. What I am saying is, as the hotline is set up to press 1 for EPCRA, 2 for RMP and 3 for Oil, then of course farms won't know which one to press, as there is no number to press for CERCLA 103.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, November 09, 2017 10:08 AM
To: Jacob, Sicy <jacob.sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

No, it is because they don't know what regulation reporting animal waste falls under...

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, November 09, 2017 10:04 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Do you think it's because the call enter does not include "CERCLA" ...It is just now "EPCRA, RMP, & Oil Information Center".

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, November 09, 2017 9:59 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret,

Sorry I didn't explain further. We are not asking to get a count, we are asking because farmers don't know what button to push and are call the NRC saying they don't understand where to go once they call into the Call Center.

We need to try to make this change ASAP so the NRC doesn't keep getting a lot of non-reporting calls.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 09, 2017 9:47 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Kim --

The “please press [#]...” are normally used for programs (i.e., “press 1 for EPCRA, 2 for RMP, 3 for OIL...”).

Are you asking this question in order to get a count of the number of animal waste calls or do you think it will be easier for the farmers to be routed to the correct representative?

Christopher – your thoughts?

Margaret Gérardin|| Environmental Protection Specialist
Office of Emergency Management|| US Environmental Protection Agency
1200 Pennsylvania Avenue NW|| MC:5104-A|| Washington, DC 20460
202-564-2491 office|| 202-697-9818 remote

From: Jennings, Kim

Sent: Thursday, November 09, 2017 9:40 AM

To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>;

Jacob, Sicy <Jacob.Sicy@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret and Christopher,

Is it possible to add a prompt on the Call Center telephone line for farmer who are calling in with questions on the EPCRA/CERCLA guidance? Something like: “If you are a farm owner/operator calling with questions about the CERCLA/EPCRA guidance or reporting requirements related to animal waste, please press [#]...”

Thanks,

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret

Sent: Wednesday, November 08, 2017 9:53 AM

To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks for the update, Christopher. Glad the call numbers and questions have been manageable.

I’m sharing your questions with Sicy for her insight.

Margaret Gérardin|| Environmental Protection Specialist
Office of Emergency Management|| US Environmental Protection Agency
1200 Pennsylvania Avenue NW|| MC:5104-A|| Washington, DC 20460
202-564-2491 office|| 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]

Sent: Wednesday, November 08, 2017 9:45 AM

To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
 Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Good morning.

The Information Center has only received maybe a couple dozen calls of calls on this topic. Nothing too complicated. A couple callers, as you can probably guess, really just wanted someone to tell them exactly what they had to do and exactly how to calculate release. We share with them the steps for continuous release reporting and that is pretty straight forward as there is a lot of great guidance. The callers who do not want to take the time to read any of the estimation guidance materials are a bit trickier.

I have a couple of questions came to mind after continued review of the release reporting materials/guidance/regulations.

1. What is the difference between the Dairy and Swine Report Worksheets (page 3), which helps calculate both ammonia and hydrogen sulfide releases, and the Ammonia Emissions Estimator? Are they just two different pieces of guidance that assist with making release estimates? The Ammonia Emissions Estimator seems a bit more complicated. Is one better than the other? (worksheets found at<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>)
2. Same questions for Poultry. There are a couple documents available to calculate ammonia releases. Do they do the same thing? Is one better than the other?
3. For the Beef and Horse sections of the table, there is only an Ammonia Emissions Estimator. There is no hydrogen sulfide resource materials. Is that because beef cattle and horses do not have hydrogen sulfide in their waste or is it just that EPA had not yet posted any tools to help with estimating hydrogen sulfide emission for beef cattle and horses?
4. The Dairy section has a tool that helps with estimating both ammonia and hydrogen sulfide. Can that tool also be used for Beef cattle or are the wastes from each animal vastly different? In other words since beef cattle do not have a worksheet for hydrogen sulfide can those farms use the dairy cattle worksheet that does include hydrogen sulfide?

Resources for Emissions Estimates		
Type	Ammonia	Hydrogen Sulfide
Beef	Ammonia emissions estimator (2 pp, 4/4, Rev. 2/18)	---
	H ₂ S emissions estimator (2 pp, 4/4, Rev. 2/18)	
Dairy	Beef Report Worksheet (1 pp, 4/4, Rev. 2/18) (see page 3)	Beef Report Worksheet (1 pp, 4/4, Rev. 2/18) (see page 3)
	Ammonia emissions estimator (2 pp, 4/4, Rev. 2/18)	---

5. Since the exemption was vacated, do facilities have to back report for releases that were exempt under the now vacated rule? It appears the court's ruling becomes effective on November 15, 2017, thus there are no back reporting requirements. Can you please confirm?
6. We are finding it a bit difficult to explain EPCRA release reporting applicability based on the guidance available for farms. We have just been reading the web site and factsheet to callers, but I don't think they are getting it like they do for CERCLA. As we try to explain that being subject under EPCRA is based on if they have OSHA defined Hazardous Chemicals on site and then detail that any substance used in routine agricultural operations is not a hazardous chemical, it gets confusing since there is no formal definition yet for "routine ag operations". There are some examples of routine ag operations, which are helpful, but if farmers don't see their use in those examples they are might believe they are subject or don't want to wait for EPA clarification on "routine agricultural operations". Here is the question, if an animal farmer is not sure if they are totally exempt from EPCRA, should they just comply with EPCRA release reporting requirements.
7. As noted on the Web site, "farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer)". Can an animal feed lot that generates manure take this exemption? The release of haz substances to the air would begin at the time waste was generated by the animals. If an animal famer was also going to use that manure later for fertilizer, would this exemption be available to them in order to discount the releases to air? Or does it only apply at the point of time when it is actually placed on the land "as fertilizer". In other words, when does the exemption begin? This has not come up on the phone, but was hoping there might be some additional clarification in case it does.

If you need additional clarification/details about these questions, please let me know.

Thank you,
Christopher
703-412-7793

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Tuesday, November 7, 2017 6:14 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Subject: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher – just checking-in.

How are the animal waste guidance calls going? Has there been a spike and fall-off, has the call volume been level, or another scenario? Have there been any unanswerable/difficult questions?

Hope all is well.

Thanks.

Margaret Gerardin|| Environmental Protection Specialist
Office of Emergency Management|| US Environmental Protection Agency
1200 Pennsylvania Avenue NW|| MC:5104-A|| Washington, DC 20460
202-564-2491 office|| 202-697-9818 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/8/2017 7:17:58 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Lee, Eugene [Lee.Eugene@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Ok good thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 1:38 PM
To: Lee, Eugene <Lee.Eugene@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Eugene-Note that I made one change in the draft email (in red).
I can be the POC for RID but add Kim (202-564-7998) as well (in case I am not available).

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Lee, Eugene
Sent: Wednesday, November 08, 2017 1:21 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Looks good. I can run with this with a few tweaks. I'd like to name a RID POC for questions on the rule and I can be the PROD POC for questions regarding handling of the NRC notifications.

Does that make sense and, if so, could you let me know who to name as the POC for RID?

EL

From: Jacob, Sicy
Sent: Wednesday, November 8, 2017 1:03 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>
Subject: RE: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

Patty: This should work. Hope Regions would notify their states immediately. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Wednesday, November 08, 2017 12:57 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Lee, Eugene <Lee.Eugene@epa.gov>
Subject: DRAFT email to Regions/ EOC and RMs on the increase in NRC reports

I took a stab at drafting an email. Please review and edit as appropriate.

DRAFT EMAIL:

All- Recently, there has been an increase in the volume of continuous release reports issued by the NRC. This is because of an upcoming deadline that requires farmers to comply with CERCLA and EPCRA reporting requirements for ammonia and hydrogen sulfide releases from animal waste at farms. EPA is working with the NRC to determine how to:

- manage the increased volume of calls
- communicate to federal, state, local response agencies that this is an administrative reporting requirement

Background

In 2008, EPA published a final rule that exempted most farms from reporting ammonia and hydrogen sulfide releases from animal wastes under CERCLA and EPCRA. That rule was challenged. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms.

EPA sought additional time from the Court to delay the effective date so that EPA could develop guidance materials to help farmers understand their reporting obligations. Unless the DC Circuit Court takes further action, the court's ruling takes effect on **November 15, 2017**.

EPA developed a website to assist farmers in understanding the reporting requirements

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>. The website includes FAQs on CERCLA and EPCRA reporting and instructions on how to submit continuous release reports. As a result, farmers are now calling the NRC to make an initial continuous release notification.

Next Steps

- EPA filed a motion with the court to delay the **November 15, 2017** date to **January 17, 2018**. EPA will coordinate with affected stakeholders once the court decides whether to extend the effective date.

- EPA will continue to work with the NRC to find ways for farmers to comply with the reporting requirements while minimizing the impact to the NRC.

Please reach out to OEM if you have questions or concerns related to this issue. [INSERT CONTACT]

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/9/2017 3:11:57 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Barkey, Christopher [USA] [barkey_christopher@bah.com]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Well, if farms are following the guidance, they would certainly know it is under CERCLA 103. What I am saying is, as the hotline is set up to press 1 for EPCRA, 2 for RMP and 3 for Oil, then of course farms won't know which one to press, as there is no number to press for CERCLA 103.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, November 09, 2017 10:08 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

No, it is because they don't know what regulation reporting animal waste falls under...

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, November 09, 2017 10:04 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Do you think it's because the call enter does not include "CERCLA"...It is just now "EPCRA, RMP, & Oil Information Center".

Sicy Jacob
Chemical Engineer

Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
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From: Jennings, Kim
Sent: Thursday, November 09, 2017 9:59 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret,

Sorry I didn't explain further. We are not asking to get a count, we are asking because farmers don't know what button to push and are call the NRC saying they don't understand where to go once they call into the Call Center.

We need to try to make this change ASAP so the NRC doesn't keep getting a lot of non-reporting calls.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 09, 2017 9:47 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Kim --

The "please press [#]..." are normally used for programs (i.e., "press 1 for EPCRA, 2 for RMP, 3 for OIL...").

Are you asking this question in order to get a count of the number of animal waste calls or do you think it will be easier for the farmers to be routed to the correct representative?

Christopher – your thoughts?

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Jennings, Kim
Sent: Thursday, November 09, 2017 9:40 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi Margaret and Christopher,

Is it possible to add a prompt on the Call Center telephone line for farmer who are calling in with questions on the EPCRA/CERCLA guidance? Something like: "If you are a farm owner/operator calling with questions about the CERCLA/EPCRA guidance or reporting requirements related to animal waste, please press [#]..."

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Wednesday, November 08, 2017 9:53 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks for the update, Christopher. Glad the call numbers and questions have been manageable.

I'm sharing your questions with Sicy for her insight.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, November 08, 2017 9:45 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Good morning.

The Information Center has only received maybe a couple dozen calls of calls on this topic. Nothing too complicated. A couple callers, as you can probably guess, really just wanted someone to tell them exactly what they had to do and exactly how to calculate release. We share with them the steps for continuous release reporting and that is pretty straight forward as there is a lot of great guidance. The callers who do not want to take the time to read any of the estimation guidance materials are a bit trickier.

I have a couple of questions came to mind after continued review of the release reporting materials/guidance/regulations.

1. What is the difference between the Dairy and Swine Report Worksheets (page 3), which helps calculate both ammonia and hydrogen sulfide releases, and the Ammonia Emissions Estimator? Are they just two different pieces of guidance that assist with making release estimates? The Ammonia Emissions Estimator seems a bit more complicated. Is one better than the other? (worksheets found at <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>)
2. Same questions for Poultry. There are a couple documents available to calculate ammonia releases. Do they do the same thing? Is one better than the other?
3. For the Beef and Horse sections of the table, there is only an Ammonia Emissions Estimator. There is no hydrogen sulfide resource materials. Is that because beef cattle and horses do not have hydrogen sulfide in their waste or is it just that EPA had not yet posted any tools to help with estimating hydrogen sulfide emission for beef cattle and horses?
4. The Dairy section has a tool that helps with estimating both ammonia and hydrogen sulfide. Can that tool also be used for Beef cattle or are the wastes from each animal vastly different? In other words since beef cattle do not have a worksheet for hydrogen sulfide can those farms use the dairy cattle worksheet that does include hydrogen sulfide?

Resources for Emissions Estimates		
Type	Ammonia	Hydrogen Sulfide
Beef	Ammonia emissions calculator (1 pp, 11 K, About FSR)	
	Lactating example (2 pp, 33 K, About FSR)	
Dairy	Dairy Report worksheet (1 pp, 47 K, About FSR) (See page 3)	Dairy Report worksheet (1 pp, 47 K, About FSR) (See page 3)
	Ammonia emissions calculator (1 pp, 11 K, About FSR)	

5. Since the exemption was vacated, do facilities have to back report for releases that were exempt under the now vacated rule? It appears the court's ruling becomes effective on November 15, 2017, thus there are no back reporting requirements. Can you please confirm?
6. We are finding it a bit difficult to explain EPCRA release reporting applicability based on the guidance available for farms. We have just been reading the web site and factsheet to callers, but I don't think they are getting it like they do for CERCLA. As we try to explain that being subject under EPCRA is based on if they have OSHA defined Hazardous Chemicals on site and then detail that any substance used in routine agricultural operations is not a hazardous chemical, it gets confusing since there is no formal definition yet for "routine ag operations". There are some examples of routine ag operations, which are helpful, but if farmers don't see their use in those examples they are might believe they are subject or don't want to wait for EPA clarification on "routine agricultural operations". Here is the question, if an animal farmer is not sure if they are totally exempt from EPCRA, should they just comply with EPCRA release reporting requirements.

7. As noted on the Web site, “farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer)”. Can an animal feed lot that generates manure take this exemption? The release of haz substances to the air would begin at the time waste was generated by the animals. If an animal farmer was also going to use that manure later for fertilizer, would this exemption be available to them in order to discount the releases to air? Or does it only apply at the point of time when it is actually placed on the land “as fertilizer”. In other words, when does the exemption begin? This has not come up on the phone, but was hoping there might be some additional clarification in case it does.

If you need additional clarification/details about these questions, please let me know.

Thank you,
Christopher
703-412-7793

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Tuesday, November 7, 2017 6:14 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Subject: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher – just checking-in.

How are the animal waste guidance calls going? Has there been a spike and fall-off, has the call volume been level, or another scenario? Have there been any unanswerable/difficult questions?

Hope all is well.

Thanks.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9813 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/8/2017 3:29:55 PM
To: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Barkey, Christopher [USA] [barkey_christopher@bah.com]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Hi, Christopher: We will try to look over these as soon as we can and will provide you some guidance to pass it on to the callers. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gerardin, Margaret
Sent: Wednesday, November 08, 2017 9:53 AM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

Thanks for the update, Christopher. Glad the call numbers and questions have been manageable.

I'm sharing your questions with Sicy for her insight.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Barkey, Christopher [USA] [mailto:barkey_christopher@bah.com]
Sent: Wednesday, November 08, 2017 9:45 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: RE: [External] Questions on EPCRA/CERCLA guidance

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	Ammonia emissions estimator (2 pp, 11 K, About FSO)	

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“routine agricultural operations”. Here is the question, if an animal farmer is not sure if they are totally exempt from EPCRA, should they just comply with EPCRA release reporting requirements.

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If you need additional clarification/details about these questions, please let me know.

Thank you,
Christopher
703-412-7793

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Tuesday, November 7, 2017 6:14 PM
To: Barkey, Christopher [USA] <barkey_christopher@bah.com>
Subject: [External] Questions on EPCRA/CERCLA guidance

Hi Christopher – just checking-in.

How are the animal waste guidance calls going? Has there been a spike and fall-off, has the call volume been level, or another scenario? Have there been any unanswerable/difficult questions?

Hope all is well.

Thanks.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC-5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/3/2017 5:46:47 PM
To: Gerardin, Margaret [Gerardin.Margaret@epa.gov]
Subject: RE: Changes to the EPCRA Fact Sheet

Can I please call you or can you call me??

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gerardin, Margaret
Sent: Friday, November 03, 2017 1:42 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Changes to the EPCRA Fact Sheet

What do you mean?

From: Jacob, Sicy
Sent: Friday, November 03, 2017 1:41 PM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Sisson, Kristine <Kristine.Sisson@csra.com>
Subject: RE: Changes to the EPCRA Fact Sheet

Margaret: How about CERCLA?

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gerardin, Margaret
Sent: Friday, November 03, 2017 12:28 PM
To: Sisson, Kristine <Kristine.Sisson@csra.com>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Changes to the EPCRA Fact Sheet

Thanks Kristine.

OK, we have two Fact Sheets with simple changes needed.

Background:

We're updating info on the Info Center (since TRI and EPCRA are no currently on the contract with BAH). So, wherever we see *TRI, Superfund, EPCRA, RMP & OIL Info Center*, we need to change it to ***EPCRA, RMP & OIL Information Center***. Here's an example from the "Contact Us" page for EPCRA: <https://www.epa.gov/epcra/forms/contact-us-about-emergency-planning-and-community-right-know-act-epcra>

Changes:

1)

https://www.epa.gov/sites/production/files/2015-07/documents/state_tribal_local_guide_factsheet_7-10-2015_2.pdf

- 2 files attached: with and w/o redline strikeout

2)

https://www.epa.gov/sites/production/files/2017-08/documents/epcra_fact_sheet_overview_8-2-17.pdf

Do you have this Fact Sheet in doc(x)/pdf? I can't find the doc versions (sorry): August 2017 was the last version.

- Page 1, EPA header: change August 2017 to November 2017
- Page 2, page header: change August 2017 to November 2017
- Page 7: Delete ~~Superfund, TRI~~; imbed link to "EPCRA, RMP & Oil Information Center"
(<https://www.epa.gov/epcra/forms/contact-us-about-emergency-planning-and-community-right-know-act-epcra>)

For More Information

Contact the Superfund, TRI, EPCRA, RMP & Oil Information Center: 800-424-9346 or 703-348-5070 in the Metropolitan DC area Monday - Friday, 10:00 AM to 5:00 PM, EST

For EPA EPCRA Regional contacts, visit: <https://www.epa.gov/epcra/epa-regional-epcrarmp-contacts>

For more information about the TRI Program, visit: <https://www.epa.gov/toxics-release-inventory-triprogram>

Questions/concerns – please let me know.

Thanks.

Margaret
202-697-9818 remote

From: Sisson, Kristine [<mailto:Kristine.Sisson@csra.com>]

Sent: Friday, November 03, 2017 10:08 AM

To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>

Subject: RE: Changes to the EPCRA Fact Sheet

Okay, thank you. I will give Carmeil the heads up.

Kristine M. Sisson

Senior Project Manager

Business Intelligence & Analytics Center (BIAC) Support

SRA International, Inc., A CSRA Company

A contractor to the US EPA
757-497-1144
kristine.sisson@csra.com

From: Gerardin, Margaret [<mailto:Gerardin.Margaret@epa.gov>]
Sent: Friday, November 03, 2017 10:07 AM
To: Sisson, Kristine
Subject: Changes to the EPCRA Fact Sheet

Good morning Kristine.

There's a lot of activity going on with the Animal Waste Reporting changes.

We need to make a slight change to the EPCRA Fact Sheet: https://www.epa.gov/sites/production/files/2017-08/documents/epcra_fact_sheet_overview_8-2-17.pdf

Working on it now and will send to you shortly.

Thanks.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/7/2017 1:23:24 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: Question on Submission of Continuous Release Reporting Forms

Hi, to answer the question below from Region 10, I checked in the regs and the instructions of the existing guidance if the certification statement has to be an original signature (wet version?) or not. There is no requirement so farms can send their reports in an email to the regions. What do you guys think?

If I get one more question on this, then we can think about adding it to the Q & A document??
Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Williams, Erin
Sent: Monday, November 06, 2017 7:02 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Question on Submission of Continuous Release Reporting Forms

Hi Sicy,

Can farmers submit the Continuous Release Form via email or do they have to be via snail-mail?

Thanks.

Erin Williams
U.S. EPA Region 10
EPCRA Coordinator
Pesticides and Toxics Unit
Office of Compliance and Enforcement
Seattle, Washington
williams.erin@epa.gov
(206) 553-4627

For more information about EPCRA regulations and requirements, please visit the following EPA website:

<https://www.epa.gov/epcra>
<http://yosemite.epa.gov/R10/OWCM.NSF/TRI/epcra>

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/13/2017 7:41:06 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: 2008 Final Rule - "Routine Agricultural Operations"
Attachments: October 15 1987.pdf

Jen: The 1985 rule that I sent in my previous email is the CERCLA rule – discussion on the definition of “facility” under CERCLA that we were discussing on the 1 pm call today.

Or are you asking about the EPCRA rule (311/312) where we discuss “routine agricultural operations”.? Anyway, see attached 1987 rule on EPCRA Sections 311 and 312. See page 38349 middle column.

thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Lewis, Jen
Sent: Monday, November 13, 2017 2:14 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: 2008 Final Rule - "Routine Agricultural Operations"

Earl – here is the 2008 rule. I don’t think Sicy ever sent the 1985 rule, so am copying her to see if she can send to us.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Jacob, Sicy
Sent: Tuesday, September 26, 2017 12:58 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: 2008 Final Rule - "Routine Agricultural Operations"

Hi, I searched the proposed rule (2007) and the final rule (2008) to see if we mentioned or defined “routine agricultural operations”.

The only place we mentioned this is in the preamble to the 2008 Final rule, p. 76951, 3rd column. see attached.

“The scope of this rule is intended to include all hazardous substances that may be emitted to the air from animal waste at farms that would otherwise be reportable under those sections. The Agency is not, in this rule, defining facility, normal application of fertilizer, or routine agricultural operations.”

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/13/2017 7:34:59 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: 2008 Final Rule - "Routine Agricultural Operations"
Attachments: April 4, 1985.pdf

Hi, Here is the April 1985 FR. Thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Lewis, Jen
Sent: Monday, November 13, 2017 2:14 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
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(202) 564-2097

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Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
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1200 Pennsylvania Avenue, NW
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Sent: 11/2/2017 7:56:28 PM
To: Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Mayer, Eileen [Mayer.Eileen@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: EPCRA, RMP, & OIL Info Center no-cost scope modification

Wow....we are getting so much attention ☺

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gerardin, Margaret
Sent: Thursday, November 02, 2017 3:30 PM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: EPCRA, RMP, & OIL Info Center no-cost scope modification

Good to know. Thanks Eileen.

From: Mayer, Eileen
Sent: Thursday, November 02, 2017 2:41 PM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: EPCRA, RMP, & OIL Info Center no-cost scope modification

I can add any text needed tomorrow, though is there something I should add to the website today? Should I put a box up on the guidance page sending people to the Info Center?

On a side note, I ran the web stats for October this morning. The guidance page had over 5800 views...that's substantial for any of our webpages. Folks are also staying on the page for almost 4 minutes, so they are reading it.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gerardin, Margaret
Sent: Thursday, November 02, 2017 2:34 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: EPCRA, RMP, & OIL Info Center no-cost scope modification

Thanks Kim.

I've added Eileen for the web-update (though she's usually off Fridays).

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Jennings, Kim
Sent: Thursday, November 02, 2017 2:28 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: EPCRA, RMP, & OIL Info Center no-cost scope modification
Importance: High

Hi Margaret,

I added in Patty since I am off tomorrow and will be out of pocket. If we get approval to send the calls to the Call Center we need to let Brian Schlieger know so he can tell the NRC and then we should also include it on our website.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gerardin, Margaret
Sent: Thursday, November 02, 2017 2:25 PM
To: Moua, John <moua.john@epa.gov>
Cc: Farmer, Kim <Farmer.Kim@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPCRA, RMP, & OIL Info Center no-cost scope modification
Importance: High

Hello John,

I just discovered that you are the new CO on the ITS-BISS-3 Contract. I have a TO for the *EPCRA, RMP, OIL Info Center* with Booz-Allen: **EP-W-17-017/0004** .

John, we are under a time-crunch (we've just had a major change on reporting requirements for EPCRA and we're inundated with calls at HQ that the Info Center can easily handle). We need to make a no-cost modification ASAP, preferably today, if at all possible.

Below is the background info and modification text that I sent to our former CO, Keith Westry, yesterday. I'll follow this email with a call.

Many thanks.

Margaret Gérardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Gerardin, Margaret
Sent: Wednesday, November 01, 2017 3:37 PM
To: Westry, Keith <Westry.Keith@epa.gov>
Cc: Farmer, Kim <Farmer.Kim@epa.gov>
Subject: EPCRA, RMP, & OIL Info Center no-cost scope modification

Hello Keith,

We still need to make minor adjustments to **EP-W-17-017/0004**, since TRI and Superfund are not currently part of the Info Center Task Order.

Here is one example: Under the current performance work statement (PWS), answering questions regarding release notification under **CERCLA 103** may/may not be covered. However, **EPCRA 304** and **CERCLA 103** are tied together so closely that it is *very* difficult to answer questions if we don't cover both statutes and their relating regulations.

So, here are suggested no-cost modifications (in red font). (This will be the second, no-cost modification to this TO.)

Under section 1.1 of the PWS, the third paragraph addition:

Contractor support is needed to assist in information dissemination, reporting and communication to the public, the regulated community, and to federal, state and local governments about the programs managed and implemented by the Emergency Planning and Community Right-to-Know Act (EPCRA) program, the designation of additional hazardous substances and establishment of reportable quantities under *the Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*, release notification requirements under *Section 103 of CERCLA*, the Risk Management Plan Program (RMP), and the Oil Program in Office of Emergency Management in OLEM.

Under Task 3 Deliverables, revise the first bullet to read:

Telephone calls on all lines should be tracked for each EPA program (EPCRA, *CERCLA (§§102 and 103)*, Oil, and RMP), and statistical data provided including the number of calls answered, average wait time for all calls, number of abandoned calls, average abandon time, average talk time, and percentage of calls answered within two minutes.

If you need clarification or additional information, please let me know.

Many thanks.

Margaret Gérardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/2/2017 1:25:01 PM
To: Nguyen, Danny [nguyen.danny@epa.gov]; Atencio, Kathie [Atencio.Kathie@epa.gov]; Perrin, Rebecca [Perrin.Rebecca@epa.gov]
Subject: RE: RA materials on EPCRA/CERCLA ag air emissions

Hi Danny: Thanks for the reminder. I am on the agenda this afternoon on the enforcement call (2:30 eastern time). Let's talk after the call. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Nguyen, Danny
Sent: Thursday, November 02, 2017 9:10 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Subject: RE: RA materials on EPCRA/CERCLA ag air emissions

Good morning Sicy,

You wanted me to give you a reminder about asking to see if HQ could hold a national webinar for questions on guidance. Can we make that happen? Thank you

V/r,

Danny "Fishbait" Nguyen
Homeland Security/COOP Coordinator
Emergency Response and Preparedness Unit
U.S. Environmental Protection Agency – Region 8
Office: (303) 312-6119
Work Cell: (720) 591-8113

From: Jacob, Sicy
Sent: Thursday, November 2, 2017 7:08 AM
To: Atencio, Kathie <Atencio.Kathie@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Cc: Nguyen, Danny <nguyen.danny@epa.gov>
Subject: RE: RA materials on EPCRA/CERCLA ag air emissions

Yes, it looks ok to me too. thanks.

Sicy Jacob

Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Atencio, Kathie
Sent: Thursday, November 02, 2017 9:02 AM
To: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Cc: Nguyen, Danny <nguyen.danny@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Re: RA materials on EPCRA/CERCLA ag air emissions

This looks good to me Rebecca.

Sent from my iPhone

On Nov 1, 2017, at 12:52 PM, Perrin, Rebecca <Perrin.Rebecca@epa.gov> wrote:

Hi all,

Below is a paragraph for the RA about this issue. Please edit as you feel is appropriate. I need a final version by 3pm today.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

CERCLA/EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms:

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right to Know Act (EPCRA) require facilities to report releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period. Following a hazardous substance reportable release, a facility owner or operator must notify federal authorities under CERCLA and state and local authorities under EPCRA.

In 2008, EPA published a final rule where farms were relieved from reporting hazardous substance air releases from animal waste under CERCLA, and only large CAFOs were subject to EPCRA reporting. A number of citizen groups challenged the validity of this final rule in the U.S. Court of Appeals for the District of Columbia Circuit. On April 11, 2017, the Court struck down the final rule, eliminating the reporting exemptions for farms. The DC Circuit Court's ruling takes effect on November 15, 2017. EPA developed interim guidance to assist farms in complying with requirements to report air releases of hazardous substances from animal waste under CERCLA and EPCRA. Three main points:

1. EPA is accepting comments and suggestions via email through November 24, 2017, to: CERCLA103.guidance@epa.gov. EPA will revise the guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations.
2. Farms that use substances in "routine agricultural operations" are excluded from reporting under EPCRA section 304. EPA will conduct a rulemaking to clarify its interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements.
3. Reporting releases from animal wastes may be challenging because there is no generally accepted methodology for estimating emission quantities. CERCLA section 103 allows "continuous releases" to

be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/1/2017 12:00:26 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Yes, let me talk to Eileen if it can be done. At least we can provide the link. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Tuesday, October 31, 2017 4:35 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Re: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Thank you. Can we fix it on the website?

Thanks,
Kim

On Oct 31, 2017, at 3:36 PM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Oops....he is right...it is blank.. But I think it is one of the link in the general sections of CR forms. I will send it to him.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Tuesday, October 31, 2017 3:27 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Sicy,

Can you check on this.

Thanks,

Kim

Kim Jennings

Division Director || Regulations Implementation Division

U.S. Environmental Protection Agency || Office of Emergency Management

E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas Hebert [<mailto:tom.hebert@bayardridge.com>]

Sent: Tuesday, October 31, 2017 3:07 PM

To: Jennings, Kim <Jennings.Kim@epa.gov>

Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

Tom Hebert here, on behalf of United Egg Producers. We are working through CERCLA reporting matters after the issuance of the guidance last week. That is very useful materials. But we are trying to understand the minimum reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS." But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

<image002.jpg>

<image004.jpg>

Tom Hebert

Bayard Ridge Group LLC

tom.hebert@bayardridge.com

202-441-0570

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/31/2017 7:41:17 PM
To: tom.herbert@bayardridge.com
Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi, Kim forwarded your email to me. I believe the attached link is the checklist you are looking for. I am not sure why it is blank on that page. Thanks for pointing that out.

https://www.epa.gov/sites/production/files/2015-11/documents/continuous_release_checklist.pdf

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Thomas Hebert [<mailto:tom.hebert@bayardridge.com>]
Sent: Tuesday, October 31, 2017 3:07 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

Tom Hebert here, on behalf of United Egg Producers. We are working through CERCLA reporting matters after the issuance of the guidance last week. That is very useful materials. But we are trying to understand the minimum reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS." But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

EXHIBIT 2-1
CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS

19

If you are reporting a non-CERCLA EHS to the appropriate SERC or LEPC you will not receive a CERCLUS number as your SERC and LEPC will use their own methods to track your continuous release.

2.3 Initial Written and Follow-Up Reports:

Where and when to submit initial written and follow-up reports?

Within 30 days of your initial telephone call to the NRC, SERC, and LEPC, the initial written report of CERCLA hazardous substances must be submitted to the appropriate government authorities. You must send one copy of the completed initial written report containing the information described in this Section to each of the following organizations:

The EPA Regional Office for the geographical region in which your facility is located;

The SERC of any state likely to be affected by the release; and

The LEPC of any area likely to be affected by the release.

For reports of CERCLA hazardous substances, the one-time, first anniversary follow-up report must be submitted within 30 days of the first anniversary date of the initial written report to the EPA Regional Office. The first anniversary follow-up report must be submitted to the EPA Regional Office only. You are not required to submit the one-time first anniversary follow-up report to the SERC and LEPC.

Reports of releases of non-CERCLA EHSs must be reported only to the SERC and LEPC. No notification of Federal authorities is required.

What information is required?

The information that you are required to submit for all initial written and follow-up reports can be divided into three primary sections: general information, source information, and hazardous substance information. These sections are described briefly below and the specific information to be

included in each of these sections is described more fully in the following pages.

- Section I. General Information. This section includes identifying information about your facility, as well as information concerning the area surrounding your facility.
- Section II. Source Information. This section includes information on each source of the release including: the identity of each source; the basis for stating that the release from a source qualifies as continuous and stable in quantity and rate; the environmental medium affected by the release; the names and quantities of the CERCLA hazardous substance or EHSs released from the source; and the normal range and frequency of the release. This information must be provided separately for each source of the continuous release.
- Section III. Hazardous Substance Information. This section includes the upper bound of the normal range for each hazardous substance released across all sources at a facility. This number is also known as the SSI trigger. Section II should be completed for each release source before you calculate the upper bound of the normal range of the release for each CERCLA hazardous substance or EHS across all sources at the facility.

Section I: General Information

The information required in Section I of the initial written report and follow-up reports includes general information identifying your facility, as well as information regarding the area in which your facility is located. This general information is important because it provides a better understanding of the potential risks resulting from exposure from the facility's release. A signed statement asserting that the continuous release is continuous and stable in quantity and rate, and that the information supplied is accurate and current to the best of your knowledge, is also required in Section I.

Tom Hebert
Bayard Ridge Group LLC
tom.hebert@bayardridge.com
202-441-0570

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/31/2017 7:30:24 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Yes, it is on our website.

https://www.epa.gov/sites/production/files/2015-11/documents/continuous_release_checklist.pdf

Should I respond to him?

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Tuesday, October 31, 2017 3:27 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Sicy,

Can you check on this.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Thomas Hebert [<mailto:tom.hebert@bayardridge.com>]
Sent: Tuesday, October 31, 2017 3:07 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS?

Hi Kim,

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reporting requirements for the written submissions to the EPA Regional Offices. I reviewed the general industry guidance you have on your website (Part 2: Instructions and Procedures for Continuous Release Reporting) https://www.epa.gov/sites/production/files/2015-11/documents/part_2_instructions_and_procedures_for_continuous_release_reporting.pdf, and noted with interest that there is supposed to be an Exhibit in the document (Exhibit 2) below that gives a "CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS." But the page is blank. Is this checklist available and can you email that to me? Will be happy to share that with the other animal ag groups.

Best!

Tom Hebert

EXHIBIT 2-1
CHECKLIST OF INFORMATION REQUIRED IN INITIAL AND FOLLOW-UP WRITTEN REPORTS

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The LEPC of any area likely to be affected by the release.

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- Section III - Hazardous Substance Information. This section includes the upper bound of the normal range for each hazardous substance released across all sources at a facility. This number is also known as the SSI trigger. Section II should be completed for each release source before you calculate the upper bound of the normal range of the release for each CERCLA hazardous substance or EHS across all sources at the facility.

Section I: General Information

The information required in Section I of the initial written report and follow-up reports includes general information identifying your facility, as well as information regarding the area in which your facility is located. This general information is important because it provides a better understanding of the potential risks resulting from exposure from the facility's release. A signed statement asserting that the continuous release is continuous and stable in quantity and rate, and that the information supplied is accurate and current to the best of your knowledge, is also required in Section I.

Tom Hebert
Bayard Ridge Group LLC
tom.hebert@bayardridge.com
202-441-0570

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/30/2017 3:45:45 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

If the fertilizer is stored at Home Depot, or any other retailers so they can sell it to farmer (ultimate customer) then that is exempt from reporting.

So, manure/animal waste stored on the same to eventually sell to other farms who would be using it as fertilizer, then the manure would be exempt from reporting.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Friday, October 27, 2017 10:51 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Ok. I just don't think sales as fertilizer is the same as use as fertilizer.

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:46 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi Scott: This sentence says that handling, storage and potential use as fertilizer would be covered under the exemption for farms. They would be storing the wastes for some time to use it as fertilizer in their own farm or sell it to other farms to use as fertilizer. So, the storage and selling of the animal waste would be covered under the exemption. See paragraph before the last paragraph:

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

“EPA clarifies here that, just as an aquacultural operation involving the feeding and breeding of fish would be considered a routine agricultural operation, the feeding and breeding of animals, as well as the expected handling and storage of the animals’ waste, would also be considered a routine agricultural operation. EPA thus interprets the phrase “used in routine agricultural operations” to include, for example, the handling and storage of waste for potential use as fertilizer.”

Thanks.

Sicy Jacob

***Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Hayes, Scott
Sent: Friday, October 27, 2017 10:39 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

So, what if they sell the manure as fertilizer?

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:20 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Oh I see the issue. I guess we should refer the EPCRA Q & A to most of the questions we have in the guidance on CERCLA. Very helpful. thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Hayes, Scott
Sent: Friday, October 27, 2017 9:48 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

FAQs page 3. "Do I have to report when I apply fertilizers or pesticides to crops" and didn't see the EPCRA fact sheet attached to the original announcement, but maybe it was.

From: Jacob, Sicy
Sent: Friday, October 27, 2017 8:44 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi, can you point me the section of the guidance that you were confused about so I can make a note of it revise/make it more clear. I am thinking if others are confused as well (especially the regulated community). We are collecting comments & suggestions to improve the interim guidance. So, any are welcomed.

As you may already know, there are two separate documents that we published on 10/25/17. The first one (Q &A) on CERCLA compliance. Then we refer to the EPCRA Q &A within the CERCLA Q&A/guidance.

Please share any questions you have or any that you get. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Thursday, October 26, 2017 4:00 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Re: CERCLA and EPCRA Ag Guidance is now available

Then then th FAQ is wrong as it just says pesticides

Scott D. Hayes
U.S. EPA
913-645-3217
Sent from my iPhone -
please excuse typos

On Oct 26, 2017, at 14:47, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Hi, Scott: Sorry I had a doc appointment. Got back and then I had to call-in for a conference call. By then, I got so many emails including yours on the guidance. Going thru one by one.

The answer you provided to the first question is not right. Manure storage (handling) is also exempted under the routine agricultural operations, therefore exempt under EPCRA Section 304.

The answer to the second question is correct. Under CERCLA section 103, farms do not need to report to state and local. However, farms have to submit the continuous release report (if the releases meet the definition of continuous release) to their EPA Regional office within 30 days of the telephone notification to the NRC. Then farms have to submit the first anniversary report within 30 days of the first anniversary date of the initial written report.

Please provide the highlighted answer to the first question.
Let me know if you get additional questions. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004

From: Hayes, Scott

Sent: Thursday, October 26, 2017 2:50 PM

To: adam.broughton@dnr.iowa.gov; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>

Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

So, I had a chance to review and look into your questions. Below are my interpretations of the relevant guidance and the law.

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?

No. I believe you are referring to the FAQs on page 3. Storage refers to handling and storage of pesticide products...not manure. Application of manure as a fertilizer (not storage as a fertilizer) does not require reporting.

2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

No. CERCLA 103 pertains to notifications to the National Response Center only. The NRC then "conveys" the information to the state.

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]

Sent: Thursday, October 26, 2017 11:14 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>

Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Scott and Krystal, I'm looking through the information and I have two questions:

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?
2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

I'd like to narrow down what our (state's) role is in this reporting.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd.
Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 10:59 AM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

It's here.

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:29 AM
Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sicy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/30/2017 3:42:38 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]; Bryan, David [Bryan.David@epa.gov]
Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

Sure. thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Friday, October 27, 2017 3:33 PM
To: Bryan, David <Bryan.David@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: FW: CERCLA and EPCRA Ag Guidance is now available

Are you ok with them listing me or someone in the program on the IDNR press release?

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]
Sent: Friday, October 27, 2017 1:03 PM
To: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Do you have a particular contact and number in case we decide to add you to the press release? When its done I'll send you a copy.

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 12:56 PM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

You can send them our way

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]

Sent: Thursday, October 26, 2017 12:51 PM

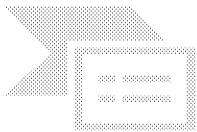
To: Hayes, Scott <Hayes.Scott@epa.gov>

Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Interesting enough since the information went out I've had calls from a political action group (ICCI) and the Des Moines Register newspaper. Could be a busy few weeks for me even if facilities don't need to report to us.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
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On Thu, Oct 26, 2017 at 12:33 PM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

You've had more of a chance to read it than I have. We will pass your questions along to headquarters.

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]

Sent: Thursday, October 26, 2017 11:14 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>

Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

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<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sícy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 11/1/2017 4:18:33 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gerardin, Margaret [Gerardin.Margaret@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: questions

Hi, Margaret: As Kim suggested, we should set up the hotline (call center) to answer questions on the guidance we published for farms to comply with CERCLA section 103. Once it is agreed upon with the call center, please provide this link to the guidance so they can get up to speed. They can discuss the guidance with the EPCRA hotline staff and raise any questions and concerns. I am willing to hold a conference call with them to answer any questions they may have. Thanks.

Here is the link to the guidance from our website:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

They should also review the regulations in 40 CFR part 302, especially 40 CFR 302.8.

Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

-----Original Message-----

From: Jennings, Kim
Sent: Wednesday, November 01, 2017 11:38 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: questions

Hi Margaret,

I just spoke with Sicy about this email and using the Info/Call Center to ask questions on the Guidance. I know you sent me an email about this and the answer is yes, we should get the Info/Call Center briefed up on this issue, including the guidance, so they can start answering questions.

Sicy will send you some materials to forward to the Info/Call Center and then we can set up a call to further brief them if needed.

Does that work?

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

-----Original Message-----

From: Loring, Joseph B CAPT [mailto:Joseph.B.Loring@uscg.mil]
Sent: Wednesday, November 01, 2017 11:14 AM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Lipinski, Rachael CIV <Rachael.Lipinski@uscg.mil>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Clark, Becki <Clark.Beki@epa.gov>; Siperek, Trevor LT <Trevor.L.Siperek@uscg.mil>; Kevin.Smith@uscg.mil; Weaver, James (USCG) <James.D.Weaver@uscg.mil>; Tulis, Dana S SES <Dana.S.Tulis@uscg.mil>
Subject: questions

Reggie,

We have an issue we need some guidance on. Because people have read your website, they are now calling the NRC and asking questions on the issue as a whole. They are not making a report, they are asking detailed questions that our watch standers cannot answer.

Whose number can the NRC provide to them? Kim Jennings' ?

Can we pull the guidance down until we figure this process out? Or at least, put an EPA number to call to minimize burden on the NRC?

Thanks

Joe

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/27/2017 3:15:20 PM
To: Hull, George [Hull.George@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Ok I will also attend too.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hull, George
Sent: Friday, October 27, 2017 11:15 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Ok. Will do. - George

From: Jennings, Kim
Sent: Friday, October 27, 2017 11:14 AM
To: Hull, George <Hull.George@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

OK. So we should do both calls. I am not available for the 3 pm call on Monday because I have to meet with the NRC both you should both attend that one.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Hull, George
Sent: Friday, October 27, 2017 10:35 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

My understanding from Ginah is that Monday calls held by Jeff Sands are only with EPA staff, specifically the ag contacts for each office. The November 2nd call has both EPA staff, including the EPA ag contacts, and stakeholders from outside EPA. - George

From: Jennings, Kim
Sent: Friday, October 27, 2017 10:31 AM
To: Hull, George <Hull.George@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy and George,

Patrick Davis had requested that I include the Regional Ag Advisors in the Ag Trade Associations call we have each week. I prefer the suggestion by Gina and Sicy that we participate in November 2nd conference call and then the weekly call, if needed, after that. Does that make sense? Are the same folks on the weekly call as on the November 2nd call? Do we also need to reach out to the State Ag folks?

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I really don't understand how the Ag Trade Associations really like the guidance and understand it and the Regions (who know the CERCLA and EPCRA program) do not and are requesting a webinar. Really??? OMB was so worried about the farmer who would have thought the Regions won't get it...

Thanks,
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Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Hull, George
Sent: Friday, October 27, 2017 10:03 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

I agree with you that the information they need is there. The only thing I can think of is an e-mail that explains to them what the website has on it, i.e. instructions for farmers on what they need to do and how to do it. The other thing we could do, and this is a suggestion from Ginah Mortensen of EPA's National Agriculture Center, is participate in a call that EPA's new Ag Advisor holds every Monday with all the EPA Regional agriculture contacts. Although I do not believe it was announced in e-mail, Ginah told me that the new Ag Advisor is named Jeff Sands. He holds a call every Monday from 3:00-3:30 pm. - George

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:56 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

I have been asked by couple of Regions if we developed any outreach material on the guidance and the EPCRA Q &A. I don't understand how we can make it more simple than the Q &A in the guidance and then the separate Q & A for EPCRA.

Any ideas??

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Nazmi, Niloufar
Sent: Thursday, October 26, 2017 10:36 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy - Kay forwarded this email to me because I asked her for information that we can share with our air districts. Has OLEM prepared any communications outreach material on this? Or do you intend to do any here in R9?

Any suggestions you have on how we can communicate best with our air districts would be much appreciated.

N

Niloufar Nazmi
Air Division, EPA Region 9
Desk: [415-972-3684](tel:415-972-3684); Cell: [415-328-1143](tel:415-328-1143)

Begin forwarded message:

From: "Lawrence, Kathryn" <Lawrence.Kathryn@epa.gov>
Date: October 26, 2017 at 5:10:19 PM PDT
To: "Nazmi, Niloufar" <Nazmi.Niloufar@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Jacob, Sicy

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/27/2017 2:41:52 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: A possible fix - soon - next week

Correct. I agree. But we didn't specifically say that "animal waste sold to others to use as fertilizer" but to me, it is understood in the paragraph you quoted. They still store it for some time before they sell it I am sure. I guess that is their confusion, that we didn't spell it out.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
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From: Jennings, Kim
Sent: Friday, October 27, 2017 10:38 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: A possible fix - soon - next week

That Q and A is in the guidance. And the EPCRA Q and A on "routine agriculture operations" includes the statement in paragraph #6: "EPA interprets the statute to include other substances used in routine agriculture operations, including animal waste stored on a farm and animal waste that is used as fertilizer. EPA also notes that use of a substance in routine agricultural operations includes the storage of that substance necessitated by such use."

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Friday, October 27, 2017 10:26 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: A possible fix - soon - next week

Deliberative Process / Ex. 5

Do I have to report when I apply fertilizers or pesticides to crops?

No, farm owners/operators do not need to report the normal application of fertilizers (including normal application of manure as a fertilizer) or the handling, storage or application of pesticide products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). However, under CERCLA section 103, any spills or accidents involving these substances must be immediately reported to the NRC when they meet or exceed the reportable quantity.

Btw, I am making notes of all the comments I get from Regions/states. I just thought we can do an immediate fix?

Sicy Jacob
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Sent: 10/27/2017 2:38:06 PM
To: Hull, George [Hull.George@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Oops...sorry I didn't see your email, George.

Sicy Jacob
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Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Nazmi, Niloufar
Sent: Thursday, October 26, 2017 10:36 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy - Kay forwarded this email to me because I asked her for information that we can share with our air districts. Has OLEM prepared any communications outreach material on this? Or do you intend to do any here in R9?

Any suggestions you have on how we can communicate best with our air districts would be much appreciated.

N

Niloufar Nazmi
Air Division, EPA Region 9
Desk: 415-972-3684; Cell: 415-328-1143

Begin forwarded message:

From: "Lawrence, Kathryn" <Lawrence.Kathryn@epa.gov>
Date: October 26, 2017 at 5:10:19 PM PDT
To: "Nazmi, Niloufar" <Nazmi.Niloufar@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Jacob, Sicy

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/27/2017 2:37:25 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Hull, George [Hull.George@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Should I ask Ginah if the same folks are on their weekly call as the November 2nd one?

Thanks for the laugh ☺ "the Regions (who know the CERCLA and EPCRA program) do not and are requesting a webinar. Really??? OMB was so worried about the farmer who would have thought the Regions won't get it...."

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Friday, October 27, 2017 10:31 AM
To: Hull, George <Hull.George@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy and George,

Patrick Davis had requested that I include the Regional Ag Advisors in the Ag Trade Associations call we have each week. I prefer the suggestion by Gina and Sicy that we participate in November 2nd conference call and then the weekly call, if needed, after that. Does that make sense? Are the same folks on the weekly call as on the November 2nd call? Do we also need to reach out to the State Ag folks?

Jeff Sands and Tate Bennett participated on the Ag Trade Associations conference call yesterday and both said a few words (i.e. thanks for your efforts/support, etc.) and Jeff attended the Animal Agriculture Discussion Group meeting in Denver earlier this week and met most of the major Ag/Species Trade Association representatives.

I really don't understand how the Ag Trade Associations really like the guidance and understand it and the Regions (who know the CERCLA and EPCRA program) do not and are requesting a webinar. Really??? OMB was so worried about the farmer who would have thought the Regions won't get it....

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Hull, George
Sent: Friday, October 27, 2017 10:03 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

I agree with you that the information they need is there. The only thing I can think of is an e-mail that explains to them what the website has on it, i.e. instructions for farmers on what they need to do and how to do it. The other thing we could do, and this is a suggestion from Ginah Mortensen of EPA's National Agriculture Center, is participate in a call that EPA's new Ag Advisor holds every Monday with all the EPA Regional agriculture contacts. Although I do not believe it was announced in e-mail, Ginah told me that the new Ag Advisor is named Jeff Sands. He holds a call every Monday from 3:00-3:30 pm. - George

From: Jacob, Sicy
Sent: Friday, October 27, 2017 9:56 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

I have been asked by couple of Regions if we developed any outreach material on the guidance and the EPCRA Q &A. I don't understand how we can make it more simple than the Q &A in the guidance and then the separate Q & A for EPCRA.
Any ideas??

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
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Niloufar Nazmi
Air Division, EPA Region 9
Desk: [415-972-3684](tel:415-972-3684); Cell: [415-328-1143](tel:415-328-1143)

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From: "Lawrence, Kathryn" <Lawrence.Kathryn@epa.gov>
Date: October 26, 2017 at 5:10:19 PM PDT
To: "Nazmi, Niloufar" <Nazmi.Niloufar@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Jacob, Sicy

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From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/27/2017 2:17:38 PM
To: Hull, George [Hull.George@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Yeah, Ginah also mentioned it to me. She wants one of us to brief the group on the call on November 2. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
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Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
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Subject: FW: CERCLA and EPCRA Ag Guidance is now available

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Niloufar Nazmi
Air Division, EPA Region 9
Desk: [415-972-3684](tel:415-972-3684); Cell: [415-328-1143](tel:415-328-1143)

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Date: October 26, 2017 at 5:10:19 PM PDT
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Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Jacob, Sicy

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 9:10:05 PM
To: Nguyen, Danny [nguyen.danny@epa.gov]
CC: Atencio, Kathie [Atencio.Kathie@epa.gov]
Subject: RE: Guidance for Farms for reporting requirements

I am sure we can. Let me talk this over with Kim Jennings and Patty Gioffre and I will get back to you. Remind me if I forget. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Nguyen, Danny
Sent: Thursday, October 26, 2017 4:57 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: RE: Guidance for Farms for reporting requirements

Thank you Sicy for the response. Do you think HQ would be able to hold a national webinar for Q&As from the farms in the regions? There are still a lot of questions even with the guidance and you (or someone in OEM) would be the best to answer since you have worked on this guidance and know the details. If not a national webinar, if we set one up in Region 8 would you be able to support? Thank you

V/r,

Danny "Fishbait" Nguyen
Homeland Security/COOP Coordinator
Emergency Response and Preparedness Unit
U.S. Environmental Protection Agency – Region 8
Office: (303) 312-6119
Work Cell: (720) 591-8113

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 2:17 PM
To: Nguyen, Danny <nguyen.danny@epa.gov>
Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: RE: Guidance for Farms for reporting requirements

Hi, Danny: Please read the guidance and the EPCRA Q & A. If you are not able to answer the questions from the public/states/regulated community, please let me know. I am happy to help. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
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1200 Pennsylvania Avenue, NW
Washington DC 20004
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To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: Guidance for Farms for reporting requirements

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I have been getting inquiries from our state and regional contacts concerning guidance for reporting requirements for farms. Do you have an idea when the guidance from HQ will be finished and provided. Also will there be any communications plans on what the guidance entails? We may need a conference call soon on our communication strategy and requirements. Thanks

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Danny "Fishbait" Nguyen
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Message

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Sent: 10/26/2017 9:11:36 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: FW: Guidance for Farms for reporting requirements

Here is a request from Region 8. We need to do something. I don't think the Regions understand it either. Maybe we can just do one conference call for all the Regions. What do you think?

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

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Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: RE: Guidance for Farms for reporting requirements

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 8:53:36 PM
To: awilda fuentes **Personal Email / Ex. 6**
Subject: FW: Thanks to AADG--and new CERCLA EPCRA Ag Guidance released

Does this gal work in your office?? See below.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, October 26, 2017 12:28 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hull, George <Hull.George@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: Thanks to AADG--and new CERCLA EPCRA Ag Guidance released

FYI

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Subramanian, Hema
Sent: Thursday, October 26, 2017 12:09 PM
To: Ziobro, Joseph <Ziobro.Joseph@epa.gov>; kim@aginspirations.com; donp@fb.org; danielleg@fb.org; tom.hebert@bayardridge.com; Chad.Frahm@rosedmi.com; John.Monaghan@dairy.org; karen.scanlon@dairy.org; syager@beef.org; apeterson@chickenusa.org; kbillings@ncfc.org; lvandoren@ncfc.org; cdetlefsen@nmpf.org; Michael Formica <formicam@nppc.org>; dwells@turkeyfed.org; cgarrison@garrisongroup.com; pbredwell@poultryegg.org; crichter@thepolicygroup.com; **Personal Address / Ex. 6** kwesterbeek@smithfield.com; cal@creightonbrothersllc.com; billk@cooperfarms.com; jamie.burr@tyson.com; cousercattle@iowatelecom.net; iowariverranch@heartofiowa.net; tom.mcdonald@jbssa.com; rholladay@cmfoods.com; tmbass@montana.edu; mrisse@uga.edu; Glenn Carpenter <glenn.carpenter@wdc.usda.gov>; gary.kelman@maryland.gov; Woodmansey, Kent <Kent.Woodmansey@state.sd.us>; Ferris, Lena <Ferris.Lena@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Molloy, Jennifer <molloy.jennifer@epa.gov>; Jones, Kristin <jones.kristin@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Shenk, Kelly <shenk.kelly@epa.gov>; Robertson, Duane <Robertson.Duane@epa.gov>; Winn, G. Dean <winn.gerald@epa.gov>; Socha, Julianne <socha.julianne@epa.gov>; Burdett, Cheryl <burdett.cheryl@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Hamilton, Denise <Hamilton.Denise@epa.gov>; Cooper, WilliamF <Cooper.WilliamF@epa.gov>; Galloway, Carol <Galloway.Carol@epa.gov>; Perrin, Rebecca <Perrin.Rebecca@epa.gov>;

Miller, Amy <Miller.Amy@epa.gov>; Mitschele, Becky <Mitschele.Becky@epa.gov>; Peak, Nicholas <Peak.Nicholas@epa.gov>; bhammerich@coloradolivestock.org; Winnett, Steven <winnett.steven@epa.gov>; Heinemann, Kristina <Heinemann.Kristina@epa.gov>; Flournoy, Karen <Flournoy.Karen@epa.gov>; Hall, Lynda <Hall.Lynda@epa.gov>; Larsen, Erika <Larsen.Erika@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>; Greg Zwicke <greg.zwicke@ftc.usda.gov>; mhart@beef.org; LUEHE, DOUGLAS <luehe.douglas@epa.gov>; aneuhart@BrwnCald.com; MSponsler@coloradocorn.com; justin.miller@jbssa.com; brad.lubbers@jbssa.com; ben@tcfa.org; empiredairy@me.com; jslutsky@lalunadairy.com; Sandy.Means@gnb.usda.gov; lisa.devore@state.co.us; Sands, Jeffrey <sands.jeffrey@epa.gov>; jim_cheatham@nps.gov; Jimmy.Bramblett@wdc.usda.gov; Hosch, Claudia <hosch.claudia@epa.gov>

Cc: Paul Bredwell <pbredwell@uspoultry.org>; Frahm, Chad <Chad.Frahm@dairy.org>; Hou, James <Hou.James@epa.gov>; Ismert, Peter <Ismert.Peter@epa.gov>; Chad DeVolin <chad.devolin@state.co.us>; Magruder, DeMara <Magruder.Demara@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; **Personal Address / Ex. 6** Ashley McDonald <amcdonald@beef.org>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; jeffrey.porter@gnb.usda.gov; javolsen@utah.gov; Sharpe, Kristinn <Sharpe.Kristinn@epa.gov>; Corona, Elizabeth <Corona.Elizabeth@epa.gov>; Jill Heemstra <jill.heemstra@unl.edu>; Rathbone, Colleen <Rathbone.Colleen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Greenwald, Kathryn <Greenwald.Kathryn@epa.gov>; Rise, David <rise.david@epa.gov>; Bahk, Benjamin <Bahk.Benjamin@epa.gov>

Subject: Thanks to AADG--and new CERCLA EPCRA Ag Guidance released

Thanks to all who helped to make this week's AADG Meeting and Tour a fantastic convening! We will follow up shortly with presentation materials, etc.

In the meantime, wanted to forward you news that EPA's Office of Emergency Management released guidance yesterday on reporting air releases of hazardous substances from animal waste at farms, in advance of the reporting requirement which becomes effective on November 15th under the DC Circuit Court's CERCLA/EPCRA decision. See below for the announcement and link.

Thank you,
---Hema.

Hema Subramanian
Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Water: Office of Wastewater Management/Water Permits Division/Rural Branch
1200 Pennsylvania Avenue, NW
Mail Code 4203M
Washington, DC 20460
Phone (202) 564-5041
subramanian.hema@epa.gov

From: Gioffre, Patricia

Sent: Wednesday, October 25, 2017 9:35 PM

To: Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Molloy, Jennifer <molloy.jennifer@epa.gov>; Brennan, Ross <Brennan.Ross@epa.gov>; Bonnelycke, Nina <Bonnelycke.Nina@epa.gov>; Mortensen, Ginah <mortensen.ginah@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>; OLEM OEM Managers <OLEMOEMManagers@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>

Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

-----Original Appointment-----

From: Ziobro, Joseph

Sent: Thursday, August 24, 2017 5:55 PM

To: Ziobro, Joseph; kim@aginspirations.com; donp@fb.org; danielleg@fb.org; tom.hebert@bayardridge.com; Chad.Frahm@rosedmi.com; John.Monaghan@dairy.org; karen.scanlon@dairy.org; syager@beef.org; apeterson@chickenusa.org; kbillings@ncfc.org; lvandoren@ncfc.org; cdetlefsen@nmpf.org; Michael Formica; dwells@turkeyfed.org; cgarrison@garrisongroup.com; pbredwell@poultryegg.org; crichter@thepolicygroup.com; **Personal Address / Ex. 6** kwesterbeek@smithfield.com; cal@creightonbrothersllc.com; billk@cooperfarms.com; jamie.burr@tyson.com; cousercattle@iowatelecom.net; iowariverranch@heartofiowa.net; tom.mcdonald@jbssa.com; rholladay@cmfoods.com; tmbass@montana.edu; mrisse@uga.edu; Glenn Carpenter; gary.kelman@maryland.gov; Woodmansey, Kent; Ferris, Lena; Sawyers, Andrew; Brennan, Ross; Molloy, Jennifer; Subramanian, Hema; Jones, Kristin; Best-Wong, Benita; Wall, Tom; Pollins, Mark; Theis, Joseph; Shenk, Kelly; Robertson, Duane; Winn, G. Dean; Socha, Julianne; Burdett, Cheryl; Rush, Randall; Saunders, Jerry; Hamilton, Denise; Cooper, WilliamF; Galloway, Carol; Perrin, Rebecca; Miller, Amy; Mitschele, Becky; Peak, Nicholas; bhammerich@coloradolivestock.org; Winnett, Steven; Heinemann, Kristina; Fournoy, Karen; Hall, Lynda; Larsen, Erika; Mortensen, Ginah; Greg Zwicke; mhart@beef.org; LUEHE, DOUGLAS; aneuhart@BrwnCald.com; MSponsler@coloradocorn.com; justin.miller@jbssa.com; brad.lubbers@jbssa.com; ben@tcfa.org; empiredairy@me.com; jslutsky@lalunadairy.com; Sandy.Means@gnb.usda.gov; lisa.devore@state.co.us; Sands, Jeffrey; jim_cheatham@nps.gov; Jimmy.Bramblett@wdc.usda.gov; Hosch, Claudia

Cc: Paul Bredwell; Frahm, Chad; Hou, James; Ismert, Peter; Chad DeVolin; Magruder, DeMara; Denton, Loren;
Personal Address / Ex. 6 Ashley McDonald; Zobrist, Marcus; Nitsch, Chad; jeffrey.porter@gnb.usda.gov;
jayolsen@utah.gov; Sharpe, Kristinn; Corona, Elizabeth; Jill Heemstra; Rathbone, Colleen; Gioffre, Patricia; Jennings, Kim; Greenwald, Kathryn; Rise, David; Bahk, Benjamin
Subject: Animal Agriculture Discussion Group Meeting
When: Monday, October 23, 2017 1:30 PM to Wednesday, October 25, 2017 3:30 PM (UTC-07:00) Mountain Time (US & Canada).
Where: 3203 Quebec St, Denver, CO 80207

Animal Agriculture Discussion Group Meeting, Denver Colorado – Oct. 23 – 25, 2017

Dear Animal Agriculture Discussion Group:

We look forward to seeing you next week in Colorado. Attached are the following:

- Final Agenda, with webcast/teleconference and logistical information
- Participants list (with RSVPs as of 10/19 morning)
- Menu for dinner on Tuesday the 24th

Please note that the times of some sessions in the agenda have shifted slightly.

Onsite Contacts:

Kelly Shenk, Agricultural Advisor, EPA Region 4: shenk.kelly@epa.gov, (cell) 410-267-5728
Ross Brennan, Acting Chief of EPA Rural Branch: Brennan.ross@epa.gov, (cell) 202-286-6795

Thank you.

- **Hotel and Meeting Location:** Doubletree by Hilton Hotel Denver, 3203 Quebec St, Denver, CO 80207 – **Grand Ballroom IV** (*not Grand "Ballroom I" as listed on the agenda*)
- **Transportation from/to Airport:**
 - Train – The RTD University of Colorado A Line train runs from Denver Airport to Central Park Station for \$9 each way, and the hotel provides a complimentary shuttle from the station (call the hotel at 303-321-3333 when you arrive at the platform to request shuttle). Info at: <http://www.rtd-denver.com/a-line.shtml>
 - Uber - \$23-30 each way; Taxi - Approximately \$55 each way
- **Tours:** Oct. 25
 - Stop 1: Empire Dairy, Wiggins, CO
 - Stop 2: JBS/Five Rivers Cattle Feeding, Kersey, CO
 - Transportation (charter bus) will be provided from meeting location to tour stops and back.

- **Meals:** Per federal policies, EPA is restricted from providing refreshments for this meeting. However, the hotel has cafés and restaurants with food and beverages available for purchase, both onsite and nearby. We will also select locations for some group meals as indicated in the agenda, so please indicate which meeting sections/meals you plan to attend on the registration website, so we can ensure capacity. Boxed lunches with sandwiches/wraps will be pre-ordered for the Wednesday tour, so please also indicate in your registration **by September 23rd** if you have any special dietary preferences or restrictions for this meal. Federal employees should to bring cash if interested in participating in the boxed lunch (amount will be announced soon).

- **Telephone and Web-Conference Information:**

- **Phone Conference Line for Audio:**

Conference Number / Ex. 6

- **Adobe Webcast Link:**

Conference Number / Ex. 6

For additional information, please contact Subramanian.hema@epa.gov or Ziobro.joseph@epa.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 8:18:01 PM
To: Nguyen, Danny [nguyen.danny@epa.gov]
CC: Atencio, Kathie [Atencio.Kathie@epa.gov]
Subject: RE: Guidance for Farms for reporting requirements

Here is the EPCRA Q & A:

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

Here is the CERCLA 103 guidance:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Nguyen, Danny
Sent: Thursday, October 26, 2017 2:05 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: Guidance for Farms for reporting requirements

Hi Sicy,

I have been getting inquiries from our state and regional contacts concerning guidance for reporting requirements for farms. Do you have an idea when the guidance from HQ will be finished and provided. Also will there be any communications plans on what the guidance entails? We may need a conference call soon on our communication strategy and requirements. Thanks

V/r,

Danny "Fishbait" Nguyen
Homeland Security/COOP Coordinator
Emergency Response and Preparedness Unit
U.S. Environmental Protection Agency – Region 8
Office: (303) 312-6119
Work Cell: (720) 591-8113

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 8:08:45 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Oh sorry. There is a Q & A specific on EPCRA. See the link below. So, the guy from Iowa was asking about this.
https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Hayes, Scott
Sent: Thursday, October 26, 2017 4:00 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Re: CERCLA and EPCRA Ag Guidance is now available

Then then th FAQ is wrong as it just says pesticides

Scott D. Hayes
U.S. EPA
913-645-3217
Sent from my iPhone -
please excuse typos

On Oct 26, 2017, at 14:47, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Hi, Scott: Sorry I had a doc appointment. Got back and then I had to call-in for a conference call. By then, I got so many emails including yours on the guidance. Going thru one by one.

The answer you provided to the first question is not right. Manure storage (handling) is also exempted under the routine agricultural operations, therefore exempt under EPCRA Section 304.

The answer to the second question is correct. Under CERCLA section 103, farms do not need to report to state and local. However, farms have to submit the continuous release report (if the releases meet the definition of continuous release) to their EPA Regional office within 30 days of the telephone notification to the NRC. Then farms have to submit the first anniversary report within 30 days of the first anniversary date of the initial written report.

Please provide the highlighted answer to the first question.
Let me know if you get additional questions. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Thursday, October 26, 2017 2:50 PM
To: adam.broughton@dnr.iowa.gov; Stotts, Krystal <Stotts.Krystal@epa.gov>
Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>
Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

So, I had a chance to review and look into your questions. Below are my interpretations of the relevant guidance and the law.

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?

No. I believe you are referring to the FAQs on page 3. Storage refers to handling and storage of pesticide products...not manure. Application of manure as a fertilizer (not storage as a fertilizer) does not require reporting.

2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

No. CERCLA 103 pertains to notifications to the National Response Center only. The NRC then "conveys" the information to the state.

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]
Sent: Thursday, October 26, 2017 11:14 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>
Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>
Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Scott and Krystal, I'm looking through the information and I have two questions:

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?
2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

I'd like to narrow down what our (state's) role is in this reporting.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 10:59 AM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

It's here.

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:29 AM
Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this

date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sicy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 8:06:30 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]
Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

Scott: I think I am having some weird moment.

Bottom line for the first question.

Any handling of the manure (storage and application) are considered part of the routine agricultural operations. However, I should direct you to the first sentence of the last paragraph of the EPCRA Q & A:

“Under EPA’s interpretation, a farm where substances are used only in routine agricultural operations is not within the scope of EPCRA section 304.”

So if any regulated community contact you, please direct them to the Q & A. You can always direct their questions to me. thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Thursday, October 26, 2017 2:50 PM
To: adam.broughton@dnr.iowa.gov; Stotts, Krystal <Stotts.Krystal@epa.gov>
Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>; william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>
Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

So, I had a chance to review and look into your questions. Below are my interpretations of the relevant guidance and the law.

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?

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No. CERCLA 103 pertains to notifications to the National Response Center only. The NRC then "conveys" the information to the state.

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]

Sent: Thursday, October 26, 2017 11:14 AM

To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>

Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>;
william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>

Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Scott and Krystal, I'm looking through the information and I have two questions:

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?
2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

I'd like to narrow down what our (state's) role is in this reporting.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 10:59 AM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

It's here.

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:29 AM
Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

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To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sícy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 7:57:02 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Personal Matters / Ex. 6

I should ask her to do the rule..

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Jennings, Kim
Sent: Thursday, October 26, 2017 12:42 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Can she work on the Ag rule too... ☺

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 12:39 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Personal Matters / Ex. 6

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 12:33 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Look at that-our first comment on the guidance. ☺
Let's collect these to be sure we address in any revisions we develop.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 12:30 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available
Importance: High

So, guess what..we forgot to include in the guidance that farmers do not need to estimate emissions from animals (cattle) graze on pastures, that they only need to report emissions from that are stabled or confined (CAFO). We only say "all farms".

I already got a question from SD already on this.

I know in the summary of the 2008 states this for the CERCLA exemption:

"Specifically, the administrative reporting exemption applies to releases of hazardous substances to the air that meet or exceed their reportable quantity where the source of those hazardous substances is animal waste at farms."

But the EPCRA portion says this:

EPA considers animals (*i.e.*, cattle) that reside primarily outside of an enclosed structure (*i.e.*, a barn or a feed lot) and graze on pastures, not to be stabled or confined, and thus are exempted from the reporting requirements under EPCRA Section 304."

We meant only CAFOs have to report under CERCLA correct; meaning storage in manure pits, or underfloor of a barn etc. ? I am wondering if we should have an addendum to the guidance to clarify.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division

Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:55 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Agree. Thanks for handling this.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:53 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Next time we will just send the message out. we don't know if Craig or Dean sees our email or if they are on travel.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Jennings, Kim
Sent: Thursday, October 26, 2017 11:24 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

I didn't send the message out yet via Craig's email list because we have not yet gotten confirmation that the press release was sent.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:07 AM
To: Broussard, Rebecca <Broussard.Rebecca@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

That's weird. We sent the announcement to all the Regions, using Craig Haas email (EPCRA staff – program and enforcement as well as attorneys, of course RMP folks too) so I don't understand why you didn't get it. Sorry. Are you on Craig Haas email he sends for the EPCRA, CERCLA, RMP call that we have first Thursdays of every month. If not, I will ask him to add you. Please let me know if anyone else in your Region not on his list. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 10:57 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Also, I did NOT receive this notice - I often hear about EPA notices through third parties who get the information before we do. Is there some list I need to get on? It's very frustrating.

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).
If you don't know the answers, can you forward to someone who would be able to answer my questions?

I did a quick read through.

I have a couple of questions:

- 1) **it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?**
- 2) **It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?**

From: Gioffre, Patricia

Sent: Wednesday, October 25, 2017 9:35 PM

Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

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EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 7:52:31 PM
To: Harper, Jodi [Harper.Jodi@epa.gov]
Subject: RE: FW: CERCLA and EPCRA Ag Guidance is now available

Hi, Jodi: Scott Hayes responded but there was a minor issue with one of the answers (question 1). I will forward you what I sent to Scott so that you will know how to answer next time. Of course, you can knock on my door anytime. thanks

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Harper, Jodi
Sent: Thursday, October 26, 2017 2:10 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: FW: CERCLA and EPCRA Ag Guidance is now available

Sicy,

Do you want to respond to Adam's request, or should I?

I haven't read all the guidance material yet, so don't have an answer for question 1. My understanding on question 2 is that CERCLA 103 only requires notification to the NRC, and not to the SERC or LEPC. State and local notification wasn't required until EPCRA was passed a few years later.

Thanks,
Jodi

Jodi Harper
Air & Waste Management Division | U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard | Lenexa, KS 66219 | 913.551.7483 | harper.jodi@epa.gov

From: Hayes, Scott
Sent: Thursday, October 26, 2017 12:32 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>
Cc: Stotts, Krystal <Stotts.Krystal@epa.gov>
Subject: FW: FW: CERCLA and EPCRA Ag Guidance is now available

Questions rolling in....

From: Broughton, Adam [mailto:adam.broughton@dnr.iowa.gov]
Sent: Thursday, October 26, 2017 11:14 AM
To: Hayes, Scott <Hayes.Scott@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>
Cc: Hessenius, Kenneth <kenneth.hessenius@dnr.iowa.gov>; Jason Marcel <jason.marcel@dnr.iowa.gov>;
william.ehm@dnr.iowa.gov; Book, Kelli <kelli.book@dnr.iowa.gov>
Subject: Re: FW: CERCLA and EPCRA Ag Guidance is now available

Scott and Krystal, I'm looking through the information and I have two questions:

1. Is EPA considering these emissions from manure storage to be exempt from EPCRA reporting (it appears that they are)?
2. Does CERCLA 103 reporting require notification at the state and local level (It only mentions federal notification)?

I'd like to narrow down what our (state's) role is in this reporting.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Thu, Oct 26, 2017 at 10:59 AM, Hayes, Scott <Hayes.Scott@epa.gov> wrote:

It's here.

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:29 AM
Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sícy Jacob

Chemical Engineer

Regulations Implementation Division

Office of Emergency Management

U.S. EPA, MailCode 5104A

1200 Pennsylvania Avenue, NW

Washington DC 20004

(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 7:29:06 PM
To: Kindt, Trish [Trish.Kindt@state.sd.us]
CC: Broussard, Rebecca [Broussard.Rebecca@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi, we realize that the language on confined/stable vs. grazing on pasture is not addressed in the guidance. I am getting lot of questions regarding this and others. We are going to wait until November 24 so we can address all at once. We may have to amend the guidance accordingly. Please let others esp. regulated community know that the Agency is aware of this and other comments that are coming in. Thanks for your patience.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Kindt, Trish [mailto:Trish.Kindt@state.sd.us]
Sent: Thursday, October 26, 2017 11:59 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Broussard, Rebecca <Broussard.Rebecca@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Sicy,

I have a Followup on a question (Just scroll down to question # 2 and see my followup in green).

From: Broussard, Rebecca [mailto:Broussard.Rebecca@epa.gov]
Sent: Thursday, October 26, 2017 10:49 AM
To: Kindt, Trish
Subject: Fwd: [EXT] CERCLA and EPCRA Ag Guidance is now available

Answers for you below.

Begin forwarded message:

From: "Jacob, Sicy" <Jacob.Sicy@epa.gov>
Date: October 26, 2017 at 9:48:36 AM MDT
To: "Broussard, Rebecca" <Broussard.Rebecca@epa.gov>
Cc: "Reed, Lori" <Reed.Lori@epa.gov>, "Atencio, Kathie" <Atencio.Kathie@epa.gov>, "Bockstahler, Breann" <Bockstahler.breann@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi, here are the answers to the questions:

- 1) it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?

Yes. Farms do not need to report under EPCRA. They only need to comply with CERCLA Section 103.

However, as it is stated in the Q & A, we are planning to conduct a rulemaking on the interpretation "used in routine agricultural operations".

Here is the Q & A. If you scroll to the bottom, you can see the note.

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

"Note: EPA intends to conduct a rulemaking on the interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements."

- 2) It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?

Yes, you are right. We don't specify any size for EPCRA 304 exemption. The important fact on this exemption is highlighted below.

"Under EPA's interpretation, a farm where substances are used only in routine agricultural operations is not within the scope of EPCRA section 304."

When it comes to this question, I was referring to CERCLA. Is there any guidance on any type of operation that does not have to report (like does a producer with cattle in a 5000 acre pasture have to report?) Are any operations small enough that they don't have to report?

Let me know if you get any more questions on the guidance or the exemption. Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
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Washington DC 20004
(202) 564-8019***

From: Broussard, Rebecca

Sent: Thursday, October 26, 2017 10:54 AM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Cc: Reed, Lori <Reed.Lori@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>

Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy,

Do you have answers to the below?

Thanks!

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).
If you don't know the answers, can you forward to someone who would be able to answer my questions?

I did a quick read through.

I have a couple of questions:

- 1) it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?
- 2) It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 9:35 PM
Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:26:41 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Ok I am preparing it now using Craig's list. Next time we will be better prepared.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:25 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Press release is now live.
It's OK to send out.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jennings, Kim
Sent: Thursday, October 26, 2017 11:24 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi,

Craig asked me to send it and I was waiting on the confirmation that the press release went.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:10 AM
To: Ziegel, Dean <Ziegel.Dean@epa.gov>; Haas, Craig <Haas.Craig@epa.gov>
Cc: Jennings, Kim <jennings.kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: CERCLA and EPCRA Ag Guidance is now available

Can you share the following announcement with the regions?
Thanks!

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

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To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:17:51 PM
To: Broussard, Rebecca [Broussard.Rebecca@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Atencio, Kathie [Atencio.Kathie@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

We apologize. We will try better next time. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 11:15 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>
Subject: Re: CERCLA and EPCRA Ag Guidance is now available

I'm on Craig's list - I don't think any of us in the region got it. It's a recurring issue, unfortunately.

On Oct 26, 2017, at 9:07 AM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

That's weird. We sent the announcement to all the Regions, using Craig Haas email (EPCRA staff – program and enforcement as well as attorneys, of course RMP folks too) so I don't understand why you didn't get it. Sorry.

Are you on Craig Haas email he sends for the EPCRA, CERCLA, RMP call that we have first Thursdays of every month. If not, I will ask him to add you. Please let me know if anyone else in your Region not on his list. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 10:57 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Also, I did NOT receive this notice - I often hear about EPA notices through third parties who get the information before we do. Is there some list I need to get on? It's very frustrating.

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).
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From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 9:35 PM
Subject: CERCLA and EPCRA Ag Guidance is now available

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any 24-hour period must comply with applicable statutory reporting requirements.

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EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 4:30:52 PM
To: Harper, Jodi [Harper.Jodi@epa.gov]
Subject: RE:

Thanks ☺ More work to come on this subject.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Harper, Jodi
Sent: Thursday, October 26, 2017 12:20 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE:

CONGRATULATIONS on getting this out! Yay! I know our states will be glad to see it.

Jodi Harper
Air & Waste Management Division | U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard | Lenexa, KS 66219 | 913.551.7483 | harper.jodi@epa.gov

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 10:29 AM
To: Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>;

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 Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Wagner, William <wagner.william@epa.gov>;
 Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>;
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 Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda
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 <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>;
 Stucky, Marie <Stucky.Marie@epa.gov>; Tate, Samuel <Tate.Samuel@epa.gov>; Thompson, Steve
 <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>;
 Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>;
 Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi
 <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard,
 Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>;
 Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine
 <reitz.katherine@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-
 Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>;
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Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Haas, Craig

Sent: Tuesday, October 03, 2017 7:53 AM

To: Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David

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Subject: EPCRA/CERCLA/112(r) enforcement call

Our monthly call is this Thursday. Please send me any agenda items you'd like to discuss.

Thanks

Craig

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:14:06 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

I didn't see it either. Let me call Dean.

Sicy Jacob
Chemical Engineer
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Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:11 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

FYI-
Kathie Atencio just sent me a message saying she didn't get a message from HQ.

I didn't see anything come out from OECA? Did I miss it?

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:07 AM
To: Broussard, Rebecca <Broussard.Rebecca@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

That's weird. We sent the announcement to all the Regions, using Craig Haas email (EPCRA staff – program and enforcement as well as attorneys, of course RMP folks too) so I don't understand why you didn't get it. Sorry. Are you on Craig Haas email he sends for the EPCRA, CERCLA, RMP call that we have first Thursdays of every month. If not, I will ask him to add you. Please let me know if anyone else in your Region not on his list. Thanks.

Sicy Jacob
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From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 10:57 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Also, I did NOT receive this notice - I often hear about EPA notices through third parties who get the information before we do. Is there some list I need to get on? It's very frustrating.

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).
If you don't know the answers, can you forward to someone who would be able to answer my questions?

I did a quick read through.

I have a couple of questions:

- 1) it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?
- 2) It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 9:35 PM
Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at

farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:48:36 PM
To: Broussard, Rebecca [Broussard.Rebecca@epa.gov]
CC: Reed, Lori [Reed.Lori@epa.gov]; Atencio, Kathie [Atencio.Kathie@epa.gov]; Bockstahler, Breann [Bockstahler.breann@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Hi, here are the answers to the questions:

- 1) **it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?**

Yes. Farms do not need to report under EPCRA. They only need to comply with CERCLA Section 103. However, as it is stated in the Q & A, we are planning to conduct a rulemaking on the interpretation "used in routine agricultural operations".

Here is the Q & A. If you scroll to the bottom, you can see the note.

https://www.epa.gov/sites/production/files/2017-10/documents/web_document_placeholder.pdf

"Note: EPA intends to conduct a rulemaking on the interpretation of "used in routine agricultural operations" as it pertains to EPCRA reporting requirements."

- 2) **It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?**

Yes, you are right. We don't specify any size for EPCRA 304 exemption. The important fact on this exemption is highlighted below.

"Under EPA's interpretation, a farm where substances are used only in routine agricultural operations is not within the scope of EPCRA section 304."

Let me know if you get any more questions on the guidance or the exemption. Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 10:54 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Reed, Lori <Reed.Lori@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann

<Bockstahler.breann@epa.gov>

Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Hi Sicy,

Do you have answers to the below?

Thanks!

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>

Date: October 26, 2017 at 8:50:21 AM MDT

To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>

Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>

Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).

If you don't know the answers, can you forward to someone who would be able to answer my questions?

I did a quick read through.

I have a couple of questions:

- 1) it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?
- 2) It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?

From: Gioffre, Patricia

Sent: Wednesday, October 25, 2017 9:35 PM

Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:30:43 PM
To: Haas, Craig [Haas.Craig@epa.gov]; Brown, Deborah [Brown.Deborah@epa.gov]; Chin, William [chin.bill@epa.gov]; Gaffey, Jim [Gaffey.Jim@epa.gov]; O'Donnell, Mary Jane [Odonnell.Maryjane@epa.gov]; Peavey, Dwight [Peavey.Dwight@epa.gov]; Rascher, Chris [rascher.chris@epa.gov]; Smith, Catherine [smith.catherine@epa.gov]; Wallace, Leonard [Wallace.Len@epa.gov]; Gallagher, Shirin [Gallagher.Shirin@epa.gov]; Garcia, Terry [Garcia.Terry@epa.gov]; Hales, Bob [Hales.Bob@epa.gov]; Hartman, Bob [Hartman.Bob@epa.gov]; Leefers, Kristin [Leefers.Kristin@epa.gov]; LeGreid, Kathleen [LeGreid.Kathleen@epa.gov]; Magdangal, David [magdangal.david@epa.gov]; Mairs, Stephanie [Mairs.Stephanie@epa.gov]; McFadden, Kelly [McFadden.Kelly@epa.gov]; Meinhardt, Danielle [meinhardt.danielle@epa.gov]; Morales, Javier [Morales.Javier@epa.gov]; Phillips, Peter [Phillips.Peter@epa.gov]; Vergeront, Julie [Vergeront.Julie@epa.gov]; Williams, Erin [Williams.Erin@epa.gov]; Banner, Ellen [Banner.Ellen@epa.gov]; Dholakia, Umesh [Dholakia.Umesh@epa.gov]; Ghaffari, Mozafar [Ghaffari.Mozafar@epa.gov]; Harrington, Dwayne [Harrington.Dwayne@epa.gov]; Leung, Chao [Leung.Chao@epa.gov]; Maimone, Francesco [Maimone.Francesco@epa.gov]; Mosher, Eric [Mosher.Eric@epa.gov]; Ouedraogo, Idrissa [ouedraogo.idrissa@epa.gov]; Petty, Joel [petty.joel@epa.gov]; Regna, Jean [Regna.Jean@epa.gov]; Rivera, Carlos [Rivera.Carlos@epa.gov]; Rodriguez, Nancy [Rodriguez.Nancy@epa.gov]; Armstrong, Joan [Armstrong.Joan@epa.gov]; Baginski, Alfred [Baginski.Alfred@epa.gov]; Beckley, Patrick [Beckley.Patrick@epa.gov]; Daniel, Kevin [Daniel.Kevin@epa.gov]; Dunn, Michael [dunn.michael@epa.gov]; Gallagher, Theresa [gallagher.theresa@epa.gov]; Garcia, Jefferie [Garcia.Jefferie@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Gilley, Anne [Gilley.anne@epa.gov]; Hunt, Mary [Hunt.Mary@epa.gov]; Nilsen, Ashley [Nilsen.Ashley@epa.gov]; pandya, perry [pandya.perry@epa.gov]; Parent, Suzanne [Parent.Suzanne@epa.gov]; VanOrden, James [VanOrden.James@epa.gov]; Weiss, Cynthia [Weiss.Cynthia@epa.gov]; Welsh, Mike [Welsh.Mike@epa.gov]; Ziegler, Lauren [Ziegler.Lauren@epa.gov]; Bookman, Robert [Bookman.Robert@epa.gov]; Caplan, Robert W. [Caplan.Robert@epa.gov]; Chow, Eddie [Chow.Eddie@epa.gov]; Cobb, Brandon [cobb.brandon@epa.gov]; Crum, Lynda [Crum.Lynda@epa.gov]; Devkota, Om [devkota.om@epa.gov]; Fite, Mark [Fite.Mark@epa.gov]; Grant, Deanne [Grant.Deanne@epa.gov]; Groendyke, Todd [Groendyke.Todd@epa.gov]; Juan, Rodolfo [Juan.Rodolfo@epa.gov]; Kono, Michiko [Kono.Michiko@epa.gov]; Noles, Jordan [Noles.Jordan@epa.gov]; Nowell, Valerie [Nowell.Valerie@epa.gov]; Platt, Kerry [Platt.Kerry@epa.gov]; Poole, Vinson [Poole.Vinson@epa.gov]; Refuge, Danielle [Refuge.Danielle@epa.gov]; Rouch, Ellen [Rouch.Ellen@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Russo, Todd [Russo.Todd@epa.gov]; Spagg, Beverly [Spagg.Beverly@epa.gov]; Toney, Anthony [Toney.Anthony@epa.gov]; Warrilow, Phyllis [Warrilow.Phyllis@epa.gov]; Weeks, Victor [weeks.victor@epa.gov]; White, Erika [White.Erika@epa.gov]; Bezerra, Joana [bezerra.joana@epa.gov]; Chomycia, Greg [chomycia.greg@epa.gov]; Chrzaszcz, Monika [chrzaszcz.monika@epa.gov]; Entzminger, James [entzminger.james@epa.gov]; Hans, Mick [hans.mick@epa.gov]; Jager, Ginger [jager.ginger@epa.gov]; Kaiser, Steven [kaiser.steven@epa.gov]; Mayhugh, Robert [mayhugh.robert@epa.gov]; McNamara, Ruth [mcnamara.ruth@epa.gov]; Moore, Cecilia [moore.cecilia@epa.gov]; Palomo, Silvia [palomo.silvia@epa.gov]; Riley, Ellen [riley.ellen@epa.gov]; Smith, Robert H [smith.roberth@epa.gov]; Wagner, William [wagner.william@epa.gov]; Barra, Michael [barra.michael@epa.gov]; Clay, Jeffrey [clay.jeffrey@epa.gov]; Ford, Debbie [Ford.Debbie@epa.gov]; Foster, Althea [foster.althea@epa.gov]; Hodges, Angela [Hodges.Angela@epa.gov]; Howard, AshleyA [Howard.AshleyA@epa.gov]; Mason, Steve [mason.steve@epa.gov]; Moore, Nathaniel [Moore.Nathaniel@epa.gov]; Murdock, James [Murdock.James@epa.gov]; Pearson, Evan [Pearson.Evan@epa.gov]; Phelps, Sherronda [Phelps.Sherronda@epa.gov]; Robledo, Tony [Robledo.Tony@epa.gov]; Rogers, Elizabeth [rogers.elizabeth@epa.gov]; Smalley, Bryant [smalley.bryant@epa.gov]; Smith, Monica [smith.monica@epa.gov]; Stucky, Marie [Stucky.Marie@epa.gov]; Tate, Samuel [Tate.Samuel@epa.gov]; Thompson, Steve [thompson.steve@epa.gov]; Trawick, Matthew [Trawick.Matthew@epa.gov]; Ward, Misty [ward.misty@epa.gov]; Bieri, Britt [bieri.britt@epa.gov]; Blunk, Terri [Blunk.Terri@epa.gov]; Bosch, Raymond [Bosch.Raymond@epa.gov]; Brewer, Laura [brewer.laura@epa.gov]; Bunch, Howard [Bunch.Howard@epa.gov]; Harper, Jodi [Harper.Jodi@epa.gov]; Hayes, Scott [Hayes.Scott@epa.gov]; Hensley, Dave [Hensley.Dave@epa.gov]; Hoard, Christine [Hoard.Christine@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]; Mills, Clarissa [mills.clarissa@epa.gov]; Ndiaye, Fatimatou [Ndiaye.Fatimatou@epa.gov]; Pessetto, Jared [Pessetto.Jared@epa.gov]; Reitz, Katherine [reitz.katherine@epa.gov]; Reitz, Patricia [Reitz.Patricia@epa.gov]; Rosado-Chaparro, Wilfredo [Rosado-Chaparro.Wilfredo@epa.gov]; Stotts, Krystal [Stotts.Krystal@epa.gov]; Trotter, Jennifer [Trotter.Jennifer@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]; Whisnant, Amber [Whisnant.Amber@epa.gov]; Atencio, Kathie [Atencio.Kathie@epa.gov]; Bockstahler, Breann

[Bockstahler.breann@epa.gov]; Broussard, Rebecca [Broussard.Rebecca@epa.gov]; Chavez, Luke [Chavez.Luke@epa.gov]; Cobb, David [cobb.david@epa.gov]; Meyer, Jeff [Meyer.Jeff@epa.gov]; Ramirez, Steven A [ramirez.stevena@epa.gov]; Reed, Lori [Reed.Lori@epa.gov]; Robinson, Janis [Robinson.Janis@epa.gov]; Weiner, Marc [Weiner.Marc@epa.gov]; Bazley, Greg [Bazley.Greg@epa.gov]; Berg, Elizabeth [Berg.Elizabeth@epa.gov]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Deyoe, Jeremy [deyoe.jeremy@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Henry, Karen [Henry.Karen@EPA.GOV]; Johnstone, Jeremy [Johnstone.Jeremy@epa.gov]; jones, bill [jones.bill@epa.gov]; Lawrence, Kathryn [Lawrence.Kathryn@epa.gov]; Lucas, Robert [Lucas.Robert@epa.gov]; Moore, Letitia [Moore.Letitia@epa.gov]; Nixon, Donald [nixon.donald@epa.gov]; Proboszcz, Angie [Proboszcz.Angie@EPA.GOV]; Rongone, Marie [Rongone.Marie@epa.gov]; Steiner, Cyntia [Steiner.Cyntia@epa.gov]; Wirtschafter, Joshua [Wirtschafter.Joshua@epa.gov]; Averback, Jonathan [Averback.Jonathan@epa.gov]; Belke, Jim [Belke.Jim@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Brown, Stephanie [Brown.Stephanie@epa.gov]; Burnett, Michael [Burnett.Michael@epa.gov]; Dixon, Chelsea [Dixon.Chelsea@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Gerardin, Margaret [Gerardin.Margaret@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Hunt, Stuart [Hunt.Stuart@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Lischinsky, Robert [Lischinsky.Robert@epa.gov]; Mears, Gilbert [Mears.Gilbert@epa.gov]; Miles, James [miles.james@epa.gov]; Presler, Amos [presler.amos@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Santacroce, Jeffrey [Santacroce.Jeffrey@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Skinner-Thompson, Jonathan [Skinner-Thompson.Jonathan@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Tekrony, Linda [Tekrony.Linda@epa.gov]; Varco, Joseph [varco.joseph@epa.gov]; Yonce, Stacey [yonce.stacey@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]

Subject: RE: CERCLA and EPCRA Ag Guidance is now available

From: Jacob, Sicy

Sent: Thursday, October 26, 2017 11:29 AM

To: Haas, Craig <Haas.Craig@epa.gov>; Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa <ouedraogo.idrissa@epa.gov>; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie

<Nowell.Valerie@epa.gov>; Platt, Kerry <Platt.Kerry@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Refuge, Danielle <Refuge.Danielle@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; McNamara, Ruth <mcnamara.ruth@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Tate, Samuel <Tate.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine <reitz.katherine@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Jones, Bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averbach, Jonathan <Averbach.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE:

Hi, Everyone:

We released the guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. We are making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Here is the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Thanks. Please let me know if you have any questions.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Haas, Craig

Sent: Tuesday, October 03, 2017 7:53 AM

To: Brown, Deborah <Brown.Deborah@epa.gov>; Chin, William <chin.bill@epa.gov>; Gaffey, Jim <Gaffey.Jim@epa.gov>; O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Peavey, Dwight <Peavey.Dwight@epa.gov>; Rascher, Chris <rascher.chris@epa.gov>; Smith, Catherine <smith.catherine@epa.gov>; Wallace, Leonard <Wallace.Len@epa.gov>; Gallagher, Shirin <Gallagher.Shirin@epa.gov>; Garcia, Terry <Garcia.Terry@epa.gov>; Hales, Bob <Hales.Bob@epa.gov>; Hartman, Bob <Hartman.Bob@epa.gov>; Leefers, Kristin <Leefers.Kristin@epa.gov>; LeGreid, Kathleen <LeGreid.Kathleen@epa.gov>; Magdangal, David <magdangal.david@epa.gov>; Mairs, Stephanie <Mairs.Stephanie@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Meinhardt, Danielle <meinhardt.danielle@epa.gov>; Morales, Javier <Morales.Javier@epa.gov>; Phillips, Peter <Phillips.Peter@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Williams, Erin <Williams.Erin@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dholakia, Umesh <Dholakia.Umesh@epa.gov>; Ghaffari, Mozafar <Ghaffari.Mozafar@epa.gov>; Harrington, Dwayne <Harrington.Dwayne@epa.gov>; Leung, Chao <Leung.Chao@epa.gov>; Maimone, Francesco <Maimone.Francesco@epa.gov>; Mosher, Eric <Mosher.Eric@epa.gov>; Ouedraogo, Idrissa

ouedraogo.idrissa@epa.gov; Petty, Joel <petty.joel@epa.gov>; Regna, Jean <Regna.Jean@epa.gov>; Rivera, Carlos <Rivera.Carlos@epa.gov>; Rodriguez, Nancy <Rodriguez.Nancy@epa.gov>; Armstrong, Joan <Armstrong.Joan@epa.gov>; Baginski, Alfred <Baginski.Alfred@epa.gov>; Beckley, Patrick <Beckley.Patrick@epa.gov>; Daniel, Kevin <Daniel.Kevin@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Garcia, Jefferie <Garcia.Jefferie@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; Hunt, Mary <Hunt.Mary@epa.gov>; Nilsen, Ashley <Nilsen.Ashley@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Parent, Suzanne <Parent.Suzanne@epa.gov>; VanOrden, James <VanOrden.James@epa.gov>; Weiss, Cynthia <Weiss.Cynthia@epa.gov>; Welsh, Mike <Welsh.Mike@epa.gov>; Ziegler, Lauren <Ziegler.Lauren@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Caplan, Robert W. <Caplan.Robert@epa.gov>; Chow, Eddie <Chow.Eddie@epa.gov>; Cobb, Brandon <cobb.brandon@epa.gov>; Crum, Lynda <Crum.Lynda@epa.gov>; Devkota, Om <devkota.om@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; Grant, Deanne <Grant.Deanne@epa.gov>; Groendyke, Todd <Groendyke.Todd@epa.gov>; Juan, Rodolfo <Juan.Rodolfo@epa.gov>; Kono, Michiko <Kono.Michiko@epa.gov>; Noles, Jordan <Noles.Jordan@epa.gov>; Nowell, Valerie <Nowell.Valerie@epa.gov>; Platt, Kerry <Platt.Kerry@epa.gov>; Poole, Vinson <Poole.Vinson@epa.gov>; Refuge, Danielle <Refuge.Danielle@epa.gov>; Rouch, Ellen <Rouch.Ellen@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Warrilow, Phyllis <Warrilow.Phyllis@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; White, Erika <White.Erika@epa.gov>; Bezerra, Joana <bezerra.joana@epa.gov>; Chomycia, Greg <chomycia.greg@epa.gov>; Chrzaszcz, Monika <chrzaszcz.monika@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Hans, Mick <hans.mick@epa.gov>; Jager, Ginger <jager.ginger@epa.gov>; Kaiser, Steven <kaiser.steven@epa.gov>; Mayhugh, Robert <mayhugh.robert@epa.gov>; McNamara, Ruth <mcnamara.ruth@epa.gov>; Moore, Cecilia <moore.cecilia@epa.gov>; Palomo, Silvia <palomo.silvia@epa.gov>; Riley, Ellen <riley.ellen@epa.gov>; Smith, Robert H <smith.roberth@epa.gov>; Wagner, William <wagner.william@epa.gov>; Barra, Michael <barra.michael@epa.gov>; Clay, Jeffrey <clay.jeffrey@epa.gov>; Ford, Debbie <Ford.Debbie@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>; Hodges, Angela <Hodges.Angela@epa.gov>; Howard, AshleyA <Howard.AshleyA@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Moore, Nathaniel <Moore.Nathaniel@epa.gov>; Murdock, James <Murdock.James@epa.gov>; Pearson, Evan <Pearson.Evan@epa.gov>; Phelps, Sherronda <Phelps.Sherronda@epa.gov>; Robledo, Tony <Robledo.Tony@epa.gov>; Rogers, Elizabeth <rogers.elizabeth@epa.gov>; Smalley, Bryant <smalley.bryant@epa.gov>; Smith, Monica <smith.monica@epa.gov>; Stucky, Marie <Stucky.Marie@epa.gov>; Tate, Samuel <Tate.Samuel@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Trawick, Matthew <Trawick.Matthew@epa.gov>; Ward, Misty <ward.misty@epa.gov>; Bieri, Britt <bieri.britt@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Bosch, Raymond <Bosch.Raymond@epa.gov>; Brewer, Laura <brewer.laura@epa.gov>; Bunch, Howard <Bunch.Howard@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Hensley, Dave <Hensley.Dave@epa.gov>; Hoard, Christine <Hoard.Christine@epa.gov>; LaBoda, Sarah <LaBoda.Sarah@epa.gov>; Mills, Clarissa <mills.clarissa@epa.gov>; Ndiaye, Fatimatou <Ndiaye.Fatimatou@epa.gov>; Pessetto, Jared <Pessetto.Jared@epa.gov>; Reitz, Katherine <reitz.katherine@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Rosado-Chaparro, Wilfredo <Rosado-Chaparro.Wilfredo@epa.gov>; Stotts, Krystal <Stotts.Krystal@epa.gov>; Trotter, Jennifer <Trotter.Jennifer@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>; Whisnant, Amber <Whisnant.Amber@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Bockstahler, Breann <Bockstahler.breann@epa.gov>; Broussard, Rebecca <Broussard.Rebecca@epa.gov>; Chavez, Luke <Chavez.Luke@epa.gov>; Cobb, David <cobb.david@epa.gov>; Meyer, Jeff <Meyer.Jeff@epa.gov>; Ramirez, Steven A <ramirez.stevena@epa.gov>; Reed, Lori <Reed.Lori@epa.gov>; Robinson, Janis <Robinson.Janis@epa.gov>; Weiner, Marc <Weiner.Marc@epa.gov>; Bazley, Greg <Bazley.Greg@epa.gov>; Berg, Elizabeth <Berg.Elizabeth@epa.gov>; BERMAN, TESSA <Berman.Tessa@epa.gov>; Deyoe, Jeremy <deyoe.jeremy@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Henry, Karen <Henry.Karen@EPA.GOV>; Johnstone, Jeremy <Johnstone.Jeremy@epa.gov>; Jones, bill <jones.bill@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Lucas, Robert <Lucas.Robert@epa.gov>; Moore, Letitia <Moore.Letitia@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>; Rongone, Marie <Rongone.Marie@epa.gov>; Steiner, Cyntia <Steiner.Cyntia@epa.gov>; Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>; Averbach, Jonathan <Averbach.Jonathan@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Brown, Stephanie <Brown.Stephanie@epa.gov>; Burnett, Michael <Burnett.Michael@epa.gov>; Dixon, Chelsea <Dixon.Chelsea@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Gioffre, Patricia

<Gioffre.Patricia@epa.gov>; Hunt, Stuart <Hunt.Stuart@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Mears, Gilbert <Mears.Gilbert@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Santacroce, Jeffrey <Santacroce.Jeffrey@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Skinner-Thompson, Jonathan <Skinner-Thompson.Jonathan@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Tekrony, Linda <Tekrony.Linda@epa.gov>; Varco, Joseph <varco.joseph@epa.gov>; Yonce, Stacey <yonce.stacey@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

Subject: EPCRA/CERCLA/112(r) enforcement call

Our monthly call is this Thursday. Please send me any agenda items you'd like to discuss.

Thanks

Craig

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 3:29:32 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

I just sent it but darn it..forgot to include subject – oh well...

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:18 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

Go ahead and do that.

Also, please include the link to the press release:

<https://www.epa.gov/newsreleases/epa-releases-guidance-reporting-air-emissions-hazardous-substances-animal-waste-farms>

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:17 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

That's why I was suggesting that we send the message using Craig's list.
I can just forward it. Dean didn't answer the phone.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, October 26, 2017 11:11 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

FYI-
Kathie Atencio just sent me a message saying she didn't get a message from HQ.

I didn't see anything come out from OECA? Did I miss it?

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Jacob, Sicy
Sent: Thursday, October 26, 2017 11:07 AM
To: Broussard, Rebecca <Broussard.Rebecca@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: CERCLA and EPCRA Ag Guidance is now available

That's weird. We sent the announcement to all the Regions, using Craig Haas email (EPCRA staff – program and enforcement as well as attorneys, of course RMP folks too) so I don't understand why you didn't get it. Sorry. Are you on Craig Haas email he sends for the EPCRA, CERCLA, RMP call that we have first Thursdays of every month. If not, I will ask him to add you. Please let me know if anyone else in your Region not on his list. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW

Washington DC 20004
(202) 564-8019

From: Broussard, Rebecca
Sent: Thursday, October 26, 2017 10:57 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Fwd: CERCLA and EPCRA Ag Guidance is now available

Also, I did NOT receive this notice - I often hear about EPA notices through third parties who get the information before we do. Is there some list I need to get on? It's very frustrating.

Begin forwarded message:

From: "Kindt, Trish" <Trish.Kindt@state.sd.us>
Date: October 26, 2017 at 8:50:21 AM MDT
To: "Broussard, Rebecca (Broussard.Rebecca@epa.gov)" <Broussard.Rebecca@epa.gov>
Cc: "Kathie Atencio (Atencio.Kathie@epa.gov)" <Atencio.Kathie@epa.gov>, "Lori Reed" <reed.lori@epa.gov>
Subject: CERCLA and EPCRA Ag Guidance is now available

Rebecca,

This was forwarded to me this am (attached below).
If you don't know the answers, can you forward to someone who would be able to answer my questions?

I did a quick read through.

I have a couple of questions:

- 1) it looks like emissions are no longer reportable under EPCRA (so NOT reportable to the SERC & LEPC), but are reportable to EPA. Correct?
- 2) It looks like there is no info. about WHO has to report. Sure, I realize it says farms, but are ANY types of operations that don't have to report? Are there any sizes that don't have to report? etc?

From: Gioffre, Patricia
Sent: Wednesday, October 25, 2017 9:35 PM
Subject: CERCLA and EPCRA Ag Guidance is now available

I am pleased to announce that the CERCLA/ EPCRA ag guidance is live on the EPA website. The guidance is intended to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable

quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.

Please share this information with your interested stakeholders and regional contacts.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/26/2017 1:38:26 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: CERCLA 103 Interagency comments-OEM document
Attachments: Revised Qs As - (website FAQs) 304 Hazardous chemical 10 25 17.docx

Hi, Earl/Erik: I revised the Qs & As (still in draft) that Jen suggested in her email below. I may have to revise it further after your thoughts on my questions/comments. In the meantime, I will check if there are any other Qs As that we may need to revise.

Deliberative Process / Ex. 5

We should make the new Q & A for farms as part of all the FAQs we currently have on our website.

I will revise/develop the attached further per your suggestions and will circle back to all.

Thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Lewis, Jen
Sent: Friday, October 20, 2017 2:01 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

I think it might be okay, but you'd have to change the name of the question, otherwise it would be difficult to find in the bigger Q&As. Also, as a whole, we should look at the Q&As to see if there is anything that should be edited, like below:

Deliberative Process / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Friday, October 20, 2017 1:47 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

I have discussed this with our web editor. Eileen is likely going to make the EPCRA Q&A a pdf document that we can link to directly. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I recommend we do both. Please let me know if you have any concerns with that approach.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Lewis, Jen
Sent: Friday, October 20, 2017 1:43 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Attorney Client / Ex. 5

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
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From: Jacob, Sicy
Sent: Friday, October 20, 2017 1:36 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Lewis, Jen
Sent: Friday, October 20, 2017 12:10 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

I think it should be in both, since we may need to argue that the EPCRA Q&A is its own separate document and so it should stand on its own (i.e., anything that we need to have in there, like the rulemaking language, should be in the Q&A itself).

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Friday, October 20, 2017 11:45 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik

<Swenson.Erik@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: RE: CERCLA 103 Interagency comments-OEM document

Attorney Client / Ex. 5

Patty Gioffre
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From: Lewis, Jen

Sent: Thursday, October 19, 2017 4:13 PM

To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Subject: RE: CERCLA 103 Interagency comments-OEM document

Hi folks - **Attorney Client / Ex. 5** Here is another clean version.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Principe, Vanessa

Sent: Thursday, October 19, 2017 3:24 PM

To: Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Subject: RE: CERCLA 103 Interagency comments-OEM document

A few observations/suggestions.

V

From: Swenson, Erik

Sent: Thursday, October 19, 2017 1:38 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>

Subject: RE: CERCLA 103 Interagency comments-OEM document

All, see the attached edits (hopefully with all the markups it's not too confusing). I mostly reworked the intro section and made a few edits to the section on pesticides/fertilizers and the section on the compliance agreement.

From: Gioffre, Patricia

Sent: Thursday, October 19, 2017 11:15 AM

To: Swenson, Erik <Swenson.Erik@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>

Subject: CERCLA 103 Interagency comments-OEM document

Here is the document that I was working from during today's meeting.

Patty Gioffre
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<https://emergencymanagement.zendesk.com/hc/en-us/articles/212088237-Are-there-exemptions-to-Section-304-reporting-requirements->

Are there exemptions to Section 304 reporting requirements?

EPCRA section 304 provides exemptions from notification in addition to the exemptions provided under CERCLA section 103. Exemptions are codified in 40 CFR 302.4 and 355.31. These are:

- (a) releases which result in exposure only to persons solely within the facility boundaries;
- (b) "federally permitted release" as defined under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 Section 101(10);
- (c) releases of a pesticide product that is exempt from reporting under section 103(e) of CERCLA;
- (d) any release that does not meet the definition of release under section 101(22) of CERCLA and is therefore exempt from CERCLA section 103(a) reporting;
- (e) Any radionuclide release that occurs:
 - (1) Naturally in soil from land holdings such as parks, golf courses, or other large tracts of land.
 - (2) Naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw (not beneficiated or processed) materials; and replacing in mined-out areas coal ash, earthen materials from farming or construction, or overburden or other raw materials generated from the exempted mining activities.
 - (3) From the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses.
 - (4) From piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.
- (f) Any release less than 1,000 pounds per 24 hours of nitrogen oxide or nitrogen dioxide to the air which is the result of combustion and combustion related activities.

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It should be noted, however, that some releases occurring at a facility which are not reportable under Section §304 may still be reportable releases under CERCLA 103 and, if so, must be reported to the National Response Center. Release reporting under Section 304 is in addition to release notification under CERCLA section 103. For example, under EPCRA section 304, releases are reportable if they have the potential to affect persons offsite. However, under CERCLA any release into the environment above the reportable quantity is subject to reporting. Thus, notice to the National Response Center may be required even if no local or State reporting is required.

Farmers subject to EPCRA

Are farmers subject to EPCRA? If so, why? What exactly do farmers have to do?

There are four major reporting requirements under EPCRA: emergency planning notification (Section 302), emergency release notification (Section 304), community right-to-know (Section 311 material safety data sheets and Section 312 emergency and hazardous chemical inventory forms) and toxic chemical release forms (Section 313 "emissions inventory"). Each reporting provision has different requirements for chemicals and facilities covered. Due to this complexity in the statute itself, each Section must be read carefully to understand the chemicals covered and the facilities to which the Section applies. Farmers may be subject to several of the reporting requirements of EPCRA.

Emergency Planning Notification (Section 302)

Farm owners and operators are most likely to be subject to the emergency planning requirements of Section 302. Farms ^{Deliberative Process / Ex. 5} are exempted from this provision, since the law was designed to generally identify all facilities that have any of the listed extremely hazardous substances (EHS) present in excess of its threshold planning quantity (TPQ). The TPQ is based on the amount of any of these substances which could, upon release, present human health hazards which warrant emergency planning. The TPQ emergency planning trigger is based on these public health

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concerns rather than the type of facility where the chemicals might be located. The type of facility and degree of hazard presented at any particular site, however, are relevant factors for consideration by the local emergency planning committees. For many farms, chemicals in these quantities may not present a significant hazard to their communities due to their rural location or short holding times, other farms may well present a potentially significant hazard if the chemicals are located in a suburban, populated area or near a school, hospital, or nursing home. Even in a rural area, large volume storage could be a concern. Although these substances may only be stored or used periodically, there is always the possibility of accidents which could present a hazard to the community. Finally, in the event of a fire or other emergency on the farm, local responders should know what chemicals they might encounter in order to take appropriate precautionary measures. The hazards posed by an individual farm or ranch must be evaluated on a site-specific basis. Communities must know which facilities may present a potential for chemical releases so they can determine the nature of the risk to the public and to emergency responders in the event of a release. EPCRA established State and local planning organizations and notification requirements to meet these needs. Local emergency planning committees (LEPCs) can best address these concerns by working with farm representatives. To meet the emergency planning requirements of EPCRA, farm owners and operators must determine if they have any of the listed EHSs in excess of the threshold planning quantity (TPQ) present on their farms at any one time in concentrations greater than one percent by weight. This requirement applies even if the chemicals are present for only a short period of time before use. There is no exemption to this requirement for farms or for substances used in routine agricultural operations. If any of the EHSs is present in excess of its TPQ, simply notify (preferably in writing) the State emergency response commission (SERC) and the local emergency planning committeeLEPC. The notification need not include the names and quantities of identified substances, but EPA encourages the inclusion of such information because it will be useful to the SERC and the local committeesLEPC in organizing and setting priorities for emergency planning activities. This notification was required by May 17, 1987 or 60 days after the TPQ is exceeded for at least one extremely hazardous substanceEHS, whichever is later. If such notification has not been made, farm owners and operators should do so immediately. This is a one-time notification. Once made, owners or operators are not required to notify the SERC further of other extremely hazardous substances that may become present on the farm; however, they may be required to inform the local emergency planning committeeLEPC of such changes. EPA may revise the list of extremely hazardous substances. A facility which has any substances added to the list but which was not previously required to notify must notify its SERC and local emergency planning committeeLEPC within 60 days. Farmers required to notify under Section 302 must designate

representatives to work with the ~~local emergency planning committee~~LEPC to address any need for emergency planning involving their farms. ~~Local emergency planning committees~~LEPCs were to be established by the SERC by August 17, 1987. ~~Most communities have active LEPCs.~~ There is no requirement for farm owners or operators to develop a farm emergency plan. A comprehensive emergency response plan is to be developed by the ~~local emergency planning committee~~LEPC for the local emergency planning district it covers. This plan should address, to the extent possible, all potential chemical release hazards in the district including, where appropriate, chemicals on farms.

Emergency Release Notification (Section 304)

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Section 304 also requires a written follow-up emergency notice to the SERC and ~~local emergency planning committee~~the LEPC. Exempted from reporting are pesticides registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) when used generally in accordance with its intended purpose. Also, normal application of fertilizer would not need to be reported. However, an accidental release of such substances (or other release not generally in accord with its intended purpose) in excess of the RQ must be reported. EPCRA emergency release notification (Section 304) has two limitations which are not present in CERCLA release reporting. First, EPCRA (Section 304) release reporting applies only to facilities which produce, use, or store a "hazardous chemical." Because the definition of "hazardous chemical" in EPCRA specifically excludes substances used in routine agricultural operations and household or consumer products, some farms or ranches will not be subject to Section 304. Secondly, releases reportable under Section 304 will include only those releases which have potential for off-site exposure and which equal or exceed the applicable reportable quantity for that substance. Thus, spills of pesticides which would require release reporting to the National Response Center under Superfund would not be subject to local and State reporting under Section 304 unless there were a potential for off-site exposure.

Community Right-to-Know (Sections 311 and 312)

Community right-to-know reporting (Sections 311 and 312) is ~~limited~~ applicable to those facilities required to prepare or have available MSDSs under the Occupational Safety and Health Administration's Hazard Communication Standard (HCS). Sections 311 and 312 became applicable beyond the manufacturing sector beginning September 24, 1988, as a result of the expansion of OSHA Hazard Communication Standard, but chemicals used in routine agricultural operations and household products are not subject to these reporting requirements ~~as provided in EPCRA section 311(e).~~

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Other Provisions

EPCRA also includes various provisions for civil, administrative and criminal penalties and citizen suits for failure to comply with the requirements of the law. For assistance in meeting these requirements, farmers:

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they may also call at the Superfund, TRI, EPCRA RMP and Oil Information Center (the "Call Center"): 1-800-424-9346 (in the Washington, D.C. area: 703-412-9810).

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What facilities are exempt from Section 304 notification requirements?

A facility itself can only be exempted if there are no hazardous chemicals present at the facility. The term "hazardous chemical," as defined under Section 311 of ~~the EPCRA~~, includes any substance which constitutes a physical or health hazard. This broad definition is borrowed from the Occupational Safety Health Act (OSHA) Hazard Communication Standard, but there are certain exemptions specified in Section 311(e). However, there is no single classification or type of business (e.g. manufacturers) that are not subject to Section 304 reporting requirements.

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Therefore, it is probable that few, if any, facilities will actually have no hazardous chemicals and thus be exempt from Section 304 notification requirements.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 3/22/2018 2:01:19 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]
CC: Franklin, Kathy [Franklin.Kathy@epa.gov]; ODea, Elise [odea.elise@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Noggle, William [Noggle.William@epa.gov]
Subject: RE: Definitions - Differences

The bill has "raising or selling of animals" instead of "sold"

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From: Lewis, Jen
Sent: Thursday, March 22, 2018 9:59 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Franklin, Kathy <Franklin.Kathy@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Re: Definitions - Differences

Attorney Client / Ex. 5

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On Mar 22, 2018, at 9:45 AM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Deliberative Process / Ex. 5

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From: Franklin, Kathy
Sent: Thursday, March 22, 2018 9:44 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: Definitions - Differences

Deliberative Process / Ex. 5

I am also interested in reading the text in the bill concerning EPA which is on pages 788 to 808.

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From: Jacob, Sicy
Sent: Thursday, March 22, 2018 9:38 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>; ODea, Elise <odea.elise@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Definitions - Differences

May be not a big deal, but here it is:

Here are the definitions on page 2023:

“(A) ANIMAL WASTE.—

“(i) IN GENERAL.—The term ‘animal waste’ means feces, urine, or other excrement, **digestive emission**, urea, or similar substances emitted by animals (including any form of livestock, poultry, or fish).

“(ii) INCLUSIONS.—The term ‘animal waste’ includes animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material typically found with such waste.

“(B) FARM.—The term ‘farm’ means a site or area (including associated structures) that—

“(i) is used for—

“(I) the production of a crop; or

“(II) the raising or selling of animals (including any form of livestock, poultry, or fish); and

“(ii) under normal conditions, produces **during a farm year** any agricultural products with a total value equal to not less than \$1,000.”

Here is our definition:

Animal waste means manure (feces, urine, and other excrement produced by livestock), digestive emissions, and urea. The definition includes animal waste when mixed or commingled with bedding, compost, feed, soil and other typical materials found with animal waste.

Farm means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, \$1,000 or more of agricultural products during a year.

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/13/2017 8:22:38 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Definition of "Hazardous Chemical" - OSHA & EPCRA Section 311

Thanks. I will let you know as soon as I hear back from OSHA.

I was hoping that the animal waste is classified as a hazardous waste under RCRA, but it is not. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 That would have been easier too. I checked with RCRA folks already. Unfortunately, it is not. So, that avenue is closed. Too bad.

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From: Lewis, Jen
Sent: Friday, October 13, 2017 4:13 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Definition of "Hazardous Chemical" - OSHA & EPCRA Section 311

Attorney Client / Ex. 5

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From: Jacob, Sicy
Sent: Friday, October 13, 2017 4:08 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Definition of "Hazardous Chemical" - OSHA & EPCRA Section 311

Hi, I read the statute like this. EPCRA Section 329 directs reader to Section 311 which says the term “hazardous chemical” is defined under OSHA but the following substances are exempted...and that include “routine ag operations....”

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Something to think about.

I sent an email to OSHA HAZCOM folks few minutes ago. I will let you know what I hear. Thanks.

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/18/2017 7:56:41 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Manure/OSHA question

Sorry. I thought I copied the entire thing.

Here is the answer:

Generation of a hazardous chemical as a by-product is considered "production" under Section 304(a)(2), and any facility generating a hazardous chemical in this manner must evaluate EHS and CERCLA hazardous substance releases for EPCRA notification purposes. EPA considers the term "produce" to be synonymous with "manufacture" under Section 313, and according to the definition in 40 CFR 372.3, manufacturing includes coincidental generation of a chemical by-product during the production, processing, use, or disposal of another chemical substance or mixture. Releasing the chemical by-product to the air immediately following production in no way alleviates the facility's reporting burden. Further, when a facility produces substances which themselves are not hazardous chemicals, but which after release rapidly form hazardous chemicals in the environment, the hazardous chemicals are also considered "produced" for purposes of EPCRA emergency release notification (September 29, 1986, 51 FR 34534). Therefore, facilities at which hazardous chemicals are produced as a by-product of facility operations, including those rapidly formed in the environment subsequent to their release, are required to notify the SERC and LEPC of any EHS or CERCLA hazardous substance release which equals or exceeds an RQ within a 24-hour period.

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From: Lewis, Jen
Sent: Wednesday, October 18, 2017 3:54 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

Is there an answer to that question? Or just the question?

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From: Jacob, Sicy
Sent: Wednesday, October 18, 2017 3:47 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

Hi Jen: I will ask OSHA the additional questions you mentioned.

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This was posted on our website from mid 90s. Of course, this Q &A was developed thinking of manufacturers, certainly not animal farms.

Release notification requirements for an EHS generated as by-product

Pursuant to Section 304(a)(2), the owner or operator of a facility must report to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) any releases of extremely hazardous substances (EHSs) or CERCLA hazardous substances which equal or exceed established reportable quantities (RQs). This requirement only applies, however, to owners and operators of facilities at which hazardous chemicals are produced, used, or stored. For purposes of EPCRA emergency release notification, is a hazardous chemical considered "produced" if it is generated solely as a by-product which is immediately released to the air? Does the facility become subject to release reporting requirements even if this by-product is the only hazardous chemical present on-site?

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From: Lewis, Jen
Sent: Wednesday, October 18, 2017 3:41 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

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From: Jacob, Sicy
Sent: Monday, October 16, 2017 10:21 PM
To: Franklin, Kathy <Franklin.Kathy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

Well let's wait until OSHA gets back to me. Thanks

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From: Franklin, Kathy
Sent: Monday, October 16, 2017 11:46 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

OK.. Did not find anything searching the interpretive letters.

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From: Jacob, Sicy
Sent: Monday, October 16, 2017 11:40 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

OSHA just emailed me saying they are looking into my question on Manure. I informed them of the urgency so they said they will get back to me ASAP. thanks.

I am off to the airport for the NASTTPO trip. I will be checking my email once I get to the hotel. I will let you all know. thanks

Sicy Jacob

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From: Jacob, Sicy
Sent: Monday, October 16, 2017 10:07 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <jennings.Kim@epa.gov>
Subject: RE: Manure/OSHA question

Hi Erik: I am waiting for OSHA HAZCOM folks to get back to me. I will let you know.

Deliberative Process / Ex. 5

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From: Swenson, Erik
Sent: Monday, October 16, 2017 9:57 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: Manure/OSHA question

Jen Lewis mentioned you all might be looking into **Attorney Client / Ex. 5**

Attorney Client / Ex. 5

Give me a call when you get a second to see if we can pin that down. Thanks!

Erik S
564-7252

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/13/2017 4:13:38 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA 103 Farm Emissions Guidance

Well, anyway I am working on the ICR supporting statement.

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From: Gioffre, Patricia
Sent: Friday, October 13, 2017 12:10 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

So, the pork producers have a redlined version of the continuous release reporting form that include their suggestions for how to streamline the document. Patrick will send that to us. Once we get it, we should look to see if Lynn's form makes similar changes. I imagine there will be an expectation from senior leaders that we have addressed the ag concerns (the revised form probably does).

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From: Jacob, Sicy
Sent: Friday, October 13, 2017 11:18 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Hello....what is this mean??

I'll keep an eye out for the markups on the continuous release reporting form.

Sicy Jacob

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From: Gioffre, Patricia
Sent: Friday, October 13, 2017 10:49 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

We will plan to post the 10/12 version of the CERCLA 103 web text by noon on Monday.
I'll keep an eye out for the markups on the continuous release reporting form.
Thanks!

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From: Davis, Patrick
Sent: Friday, October 13, 2017 10:45 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
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Subject: RE: CERCLA 103 Farm Emissions Guidance

Thank you. Michael Formica from the Pork Producers just called. He is send me a redlined version of the continuous release report. I will share it with you when I get it.

Can we please post the CERCLA guidance on our website by Noon on Monday, October 16?

Patrick Davis
Environmental Protection Agency
Deputy Assistant Administrator, Office of Land and Emergency Management
202-564-3103 office
202-380-8341 cell

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- OMB is expecting a package on Monday 10/23

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Acting Deputy Division Director

USEPA (OLEM/OEM/RID)

1200 Pennsylvania Ave. NW (5104A)

Washington, DC 20460

202-564-1972

202-748-7139 (cell)

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Please let me know if you have any questions.

Best wishes!

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Subject: CERCLA 103 Farm Emissions Guidance
Importance: High

Attached is the most recent version of the guidance for CERCLA 103 reporting. Please note that the hyperlinks in the document may not be active. We will have them working when they go live on the EPA website.

Let me know if you have any questions or concerns.
Best wishes!

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Subject: Re: Farm Emissions

Patti,

Please send this group the most recent version of the guidance.

Thanks,

Patrick Davis
Environmental Protection Agency
Deputy Associate Director, Office of Land and Emergency Management
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Sent from my iPhone

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Cc: Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Farm Emissions

Both EPCRA Q&A and cercla guidance will post on our website on October 16. OMB has the EPCRA Q&A and we expect it back from them by 10/12.

Patrick Davis
Environmental Protection Agency

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202-380-8341 cell

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Sent from my iPhone

On Oct 10, 2017, at 5:34 PM, Brown, Byron <brown.byron@epa.gov> wrote:

The website (link below) says guidance is to be issued by 10/16, so I'm trying to confirm if that refers to the longer document about how to calculate emissions or the Q/A. If it's the longer document, has that been released?

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

From: Bodine, Susan
Sent: Tuesday, October 10, 2017 5:32 PM
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Subject: RE: Farm Emissions

I thought the guidance did not go to OMB, only the Q&A.

Deliberative Process / Ex. 5

Patrick, do you have an updated version?

From: Brown, Byron
Sent: Tuesday, October 10, 2017 5:28 PM
To: Davis, Patrick <davis.patrick@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: Farm Emissions

Just wanted to clarify whether we have issued the draft guidance for calculating emissions (attached), and if not when we expect to release it. And separately would like to confirm that the draft we sent to OMB is the EPCRA interpretive rule/guidance on routine agricultural operations. Any idea on timing – whether that will get released before Nov. deadline. Thanks.

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/13/2017 4:12:29 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: CERCLA 103 Farm Emissions Guidance

Oh I see. Yeah I would love to see their redline version. Hopefully it is not just two data elements.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Friday, October 13, 2017 12:10 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

So, the pork producers have a redlined version of the continuous release reporting form that include their suggestions for how to streamline the document. Patrick will send that to us. Once we get it, we should look to see if Lynn's form makes similar changes. I imagine there will be an expectation from senior leaders that we have addressed the ag concerns (the revised form probably does).

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

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From: Jacob, Sicy
Sent: Friday, October 13, 2017 11:18 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: CERCLA 103 Farm Emissions Guidance

Hello....what is this mean??

I'll keep an eye out for the markups on the continuous release reporting form.

Sicy Jacob

***Chemical Engineer
Regulations Implementation Division
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Subject: RE: CERCLA 103 Farm Emissions Guidance

We will plan to post the 10/12 version of the CERCLA 103 web text by noon on Monday.
I'll keep an eye out for the markups on the continuous release reporting form.
Thanks!

Patty Gioffre
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Deliberative Process / Ex. 5

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Sent: 10/12/2017 9:27:27 PM
To: Belke, Jim [Belke.Jim@epa.gov]
Subject: RE: Q&A

No...because I have to prepare the slides and work on the ICR. OMB wants it by Oct 23.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Belke, Jim
Sent: Thursday, October 12, 2017 5:23 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Q&A

Personal Matters / Ex. 6

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 5:21 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Subject: RE: Q&A

Oh no...don't worry...

Personal Matters / Ex. 6

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Belke, Jim
Sent: Thursday, October 12, 2017 5:16 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Q&A

OK — **Personal Matters / Ex. 6**

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 5:14 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Subject: RE: Q&A

I don't know anymore...

Personal Matters / Ex. 6

Personal Matters / Ex. 6

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Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Belke, Jim
Sent: Thursday, October 12, 2017 5:11 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Q&A

Is it supposed to say EPCRA Sections 329(5) and 311(e)... in the second paragraph of the answer? '329(5)' looks like an odd section number...is that right?

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 4:55 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

Here is the version today...tomorrow it will be different.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Belke, Jim
Sent: Thursday, October 12, 2017 4:52 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

Bummer about the Q&A. I thought we had written it pretty clearly a couple of weeks ago. Well don't worry about the NASTTPO slides yet – we can work on those next week, the talk isn't until Wednesday.

From: Jacob, Sicy

Sent: Thursday, October 12, 2017 4:50 PM

To: Belke, Jim <Belke.Jim@epa.gov>

Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

I am still here trying to work on the emergency extension ICR for the ag rule. I worked late yesterday too. So many conference calls with OMB/DOJ yesterday and today. They are still not happy with the EPCRA Q & A. I should frame or make a collage for hundred versions of the Q & A.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
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1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Belke, Jim

Sent: Thursday, October 12, 2017 3:41 PM

To: Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>

Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

I did talk to Steve about discussing Harvey and he is happy to do that. I assume Sicy will have a few slides on the Ag rule.

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From: Bosecker, Elizabeth

Sent: Thursday, October 12, 2017 3:34 PM

To: Belke, Jim <Belke.Jim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: FW: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

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I'm leaving tomorrow afternoon, so just want to make sure we are good. I will see you guys on Monday night at the hotel.

Beth

Elizabeth M. Bosecker
U.S. Environmental Protection Agency
Office of Emergency Management
Office of Land and Emergency Management
1200 Pennsylvania Ave NW (Mail Code: 5104A)
Washington, DC 20460
Phone: (202)564-7612

From: Timothy Gablehouse [<mailto:tgablehouse@gcglc.com>]
Sent: Thursday, October 12, 2017 3:07 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Bernardine Zimmerman <Bernardine.Zimmerman@tceq.texas.gov>; howardm5589@gmail.com
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

Thank you for the update. Sorry we will miss you.

Tim

Timothy R Gablehouse
303.572.0050 | 800.818.0050

From: Gioffre, Patricia [<mailto:Gioffre.Patricia@epa.gov>]
Sent: Thursday, October 12, 2017 11:31 AM
To: Timothy Gablehouse <tgablehouse@gcglc.com>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
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Best wishes!

Patty Gioffre
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Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Sent: Tuesday, October 10, 2017 7:40 PM

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Jennings, Kim <Jennings.Kim@epa.gov>

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From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/12/2017 8:55:16 PM
To: Belke, Jim [Belke.Jim@epa.gov]
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen
Attachments: EPCRA routine ag Draft 10.12.17.docx

Here is the version today...tomorrow it will be different.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Belke, Jim
Sent: Thursday, October 12, 2017 4:52 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

Bummer about the Q&A. I thought we had written it pretty clearly a couple of weeks ago. Well don't worry about the NASTTPO slides yet – we can work on those next week, the talk isn't until Wednesday.

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 4:50 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

I am still here trying to work on the emergency extension ICR for the ag rule. I worked late yesterday too. So many conference calls with OMB/DOJ yesterday and today. They are still not happy with the EPCRA Q & A. I should frame or make a collage for hundred versions of the Q & A.

***Sicy Jacob
Chemical Engineer
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Sent: Thursday, October 12, 2017 3:41 PM

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Sent: 10/18/2017 1:56:08 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: my presentation today

Ok thanks. That's what I thought.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Wednesday, October 18, 2017 9:21 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: my presentation today

Deliberative Process / Ex. 5

The website has been updated as follows:

To assist farmers in meeting reporting requirements, EPA is currently developing guidance. EPA is working expeditiously to have this guidance available to farmers to give them time to review it and comply with the reporting requirements.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Wednesday, October 18, 2017 9:17 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: my presentation today

Deliberative Process / Ex. 5

Of course, Tim made a comment that we haven't posted it yet. He also mentioned that he heard a rumor about the exemption under EPCRA.

Sicy Jacob
Chemical Engineer
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Washington DC 20004
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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/17/2017 8:03:21 PM
To: Rundman, Sven - OSHA [rundman.sven@dol.gov]; Holmes, Deana - OSHA [Holmes.Deana@dol.gov]
CC: Nieves, Lana A. - OSHA [Nieves.Lana.A@dol.gov]
Subject: RE: Manure - **Deliberative Process / Ex. 5**

Thanks so much. We understand.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Rundman, Sven - OSHA [mailto:rundman.sven@dol.gov]
Sent: Tuesday, October 17, 2017 3:53 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Holmes, Deana - OSHA <Holmes.Deana@dol.gov>
Cc: Nieves, Lana A. - OSHA <Nieves.Lana.A@dol.gov>
Subject: RE: Manure - **Deliberative Process / Ex. 5**

Sicy,

We understand EPA's urgency. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Sven J. Rundman III
Supervisory Industrial Hygienist
Office of Health Enforcement

From: Jacob, Sicy [mailto:Jacob.Sicy@epa.gov]
Sent: Tuesday, October 17, 2017 2:11 PM
To: Rundman, Sven - OSHA; Holmes, Deana - OSHA
Subject: RE: Manure - **Deliberative Process / Ex. 5**

When is the meeting? The reason I am asking is our attorneys wanted to know how soon we can expect an answer. Thanks and sorry for bugging you so much.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW

Washington DC 20004
(202) 564-8019

From: Rundman, Sven - OSHA [<mailto:rundman.sven@dol.gov>]
Sent: Tuesday, October 17, 2017 1:51 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Holmes, Deana - OSHA <Holmes.Deana@dol.gov>
Subject: RE: Manure - **Deliberative Process / Ex. 5**

Sicy,

We have scheduled a meeting to discuss the matter. I'll let you know soon what, if any, resolve we have to this issue.

Sven J. Rundman III
Supervisory Industrial Hygienist
Office of Health Enforcement

From: Jacob, Sicy [<mailto:Jacob.Sicy@epa.gov>]
Sent: Tuesday, October 17, 2017 12:25 PM
To: Rundman, Sven - OSHA; Holmes, Deana - OSHA
Cc: Jacob, Sicy
Subject: RE: Manure - **Deliberative Process / Ex. 5**

Hi, thanks so much for looking into this. We had a call with OMB this morning and they are pushing us to do a rulemaking in two weeks? So hope you feel the urgency in this matter. How soon do you think you can provide an answer to my request. Sorry for rushing you folks.

Deliberative Process / Ex. 5

Sicy Jacob
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1200 Pennsylvania Avenue, NW
Washington DC 20004
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From: Rundman, Sven - OSHA [<mailto:rundman.sven@dol.gov>]
Sent: Monday, October 16, 2017 11:23 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Holmes, Deana - OSHA <Holmes.Deana@dol.gov>
Subject: RE: Manure - **Deliberative Process / Ex. 5**

Sicy,

You've raised a very good question, but we don't have an answer yet. Sorry.
Deliberative Process / Ex. 5 We'll get back to you ASAP.

Deliberative Process / Ex. 5

Sven J. Rundman III
Supervisory Industrial Hygienist
Office of Health Enforcement

From: Jacob, Sicy [<mailto:Jacob.Sicy@epa.gov>]
Sent: Monday, October 16, 2017 10:44 AM
To: Holmes, Deana - OSHA; Rundman, Sven - OSHA
Cc: Jacob, Sicy
Subject: RE: Manure - hazardous chemical??

Hi, I hate bothering you with silly questions like this. But our Attorneys are waiting to hear back from you on this issue. We are supposed to provide guidance to farms by noon today (that may not be possible at this point) on how to comply with EPCRA 304 release notification, which also refers to "hazardous chemicals" defined under OSHA.

Deliberative Process / Ex. 5

Please confirm my thoughts. Thanks

Sicy Jacob
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From: Jacob, Sicy
Sent: Friday, October 13, 2017 3:56 PM
To: Holmes, Deana - OSHA <Holmes.Deana@dol.gov>; Rundman.Sven@dol.gov
Subject: FW: Manure - **Deliberative Process / Ex. 5**
Importance: High

Hi any status on this request?? This is a hot item at the moment. We (EPA) could really use your help. Thanks.

Sicy Jacob
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U.S. EPA, MailCode 5104A
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(202) 564-8019

From: Jacob, Sicy
Sent: Wednesday, October 04, 2017 12:27 PM
To: 'Holmes, Deana - OSHA' <Holmes.Deana@dol.gov>; Rundman.Sven@dol.gov
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Manure - **Deliberative Process / Ex. 5**

Hi, Sorry you guys that I have more questions.....blame it on the EPCRA statute for providing applicability criteria for OSHA hazardous chemicals ☺

Deliberative Process / Ex. 5

*Sicy Jacob
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Sent: 10/16/2017 3:26:39 PM
To: Rundman, Sven - OSHA [rundman.sven@dol.gov]; Holmes, Deana - OSHA [Holmes.Deana@dol.gov]
Subject: RE: Manure **Deliberative Process / Ex. 5**

Thank you so much for letting me know.

Sicy Jacob
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Deliberative Process / Ex. 5

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Sent: 10/12/2017 8:45:59 PM
To: Belke, Jim [Belke.Jim@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: If by chance you need more time on the NASTTPO agenda to talk about CAFO guidance I can make that happen

Oops...yes I have draft slides prepared for the SPLASHS stuff and the Ag rule. I can't really finalize until the ag rule stuff gets finalized.

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Sent: 10/12/2017 6:07:20 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: privacy info language

Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Thursday, October 12, 2017 2:00 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: privacy info language

Highlighted in yellow.

How do I report a continuous release?

You may follow these steps to report air emissions from animal wastes (e.g., ammonia and hydrogen sulfide releases):

Step 1: Notify the NRC at **1-800-424-8802**.

In order to qualify as a continuous release notification, the caller must inform the NRC representative that this is an "initial continuous release notification."

Provide the NRC representative with:

- The name and location of the farm
- The name(s) of the hazardous substance(s) released

The NRC representative will provide an identification number (CR-ERNS) for your farm. You will have to use this number for any follow-up report or notification that is required under the continuous release reporting requirements.

Note-The NRC does not require personally identifiable information, such as an address for a private residence. As an alternative, a generic location (such as name of city/town and state) may be sufficient.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 1:51 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: privacy info language

Hi, do you have the language that OGC added regarding the privacy for farmers – not to provide their addresses ? I need to mention that in the ICR supporting statement.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/12/2017 5:06:31 PM
To: Mason, Steve [mason.steve@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: EPA's Press Release on EPCRA CERCLA Air Emissions?

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mason, Steve
Sent: Thursday, October 05, 2017 1:02 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Re: EPA's Press Release on EPCRA CERCLA Air Emissions?

Yea

Sent from my iPhone

On Oct 5, 2017, at 11:36 AM, Jacob, Sicy <Jacob.Sicy@epa.gov> wrote:

Deliberative Process / Ex. 5

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Mason, Steve
Sent: Wednesday, October 04, 2017 9:36 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: FW: EPA's Press Release on EPCRA CERCLA Air Emissions?

I know you are working on the CAFO guidance... on question we have been asked already several times is:

If a facility filed under CERCLA 103 for their farms before the 2008 exemption, and the information is still valid, do that have to file again...

If so, can they simply send a letter to EPA stating their original filing is still valid...

Hope this is included into the guidance...

With Regards, Steve

<image001.png>

CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

On December 18, 2008, EPA published a final rule that exempted all farms from reporting air releases of hazardous substances from animal waste. This final rule applied to:

- Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
- Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain numbers of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017.

To assist farmers in meeting CERCLA and EPCRA reporting requirements, EPA is currently developing guidance. EPA is working to have this guidance available to farmers by October 16, 2017, to give them time to review the guidance and comply with the reporting requirements.

[Contact Us](#) to ask a question, provide feedback, or report a problem.

Detailed information that shows the revised date for when EPA will have guidance available is at this link:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/12/2017 3:20:54 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]
Subject: RE: EPCRA 304 Q&A-Additional OMB comments



Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Franklin, Kathy
Sent: Thursday, October 12, 2017 11:12 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Hull, George <Hull.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: Re: EPCRA 304 Q&A-Additional OMB comments

I don't have anything to add. Thanks Sicy for the good explanations.

Kathy Franklin || Office of Emergency Management ||
US Environmental Protection Agency || MC:5104-A ||
1200 Pennsylvania Avenue NW, Washington, DC 20460
202-564-7987 office || franklin.kathy@epa.gov

From: Jacob, Sicy
Sent: Thursday, October 12, 2017 10:50:11 AM
To: Salo, Earl; Gioffre, Patricia; Principe, Vanessa; Franklin, Kathy; Hull, George; Lewis, Jen; Michaud, John; Swenson, Erik; Hostage, Barbara
Cc: Noggle, William; Prins, Christopher; Sullivan, Tim; Ziegel, Dean; Beasley, Lynn; Beaman, Joe; Jacob, Sicy; Jennings, Kim
Subject: RE: EPCRA 304 Q&A-Additional OMB comments

Hi, Earl: Attached are my comments on the Qs & As that you had questions. Keen in mind that these Qs As were developed late 1988 and early 90s.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Anyway, let me know if you have additional questions or need more clarification. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Salo, Earl

Sent: Wednesday, October 11, 2017 5:23 PM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>

Cc: Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>

Subject: RE: EPCRA 304 Q&A-Additional OMB comments

Looking at these Q&As and also a Q&A that Kathy Franklin sent, I saw a few that EPA would have to discuss in defending the draft new Q&A. Attached is a description of some of the Q&As, and what EPA might say about some of them. I'd appreciate your comments on them, and would like to know if there are other EPA statements that you think might cause EPA problems in defending the draft new Q&A. Thanks!

-----Original Appointment-----

From: Gioffre, Patricia

Sent: Wednesday, October 11, 2017 2:22 PM

To: Jacob, Sicy; Principe, Vanessa; Franklin, Kathy; Hull, George; Lewis, Jen; Michaud, John; Salo, Earl; Swenson, Erik; Hostage, Barbara

Cc: Noggle, William; Prins, Christopher; Sullivan, Tim; Ziegel, Dean; Beasley, Lynn; Beaman, Joe

Subject: EPCRA 304 Q&A-Additional OMB comments

When: Wednesday, October 11, 2017 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Conference call **Conference Number / Ex. 6**

Update-Adding some FAQs from our website that relate to routine agricultural operations.

All-I've sent a message to OLEM senior leaders to provide a summary of today's call with DOJ and OMB and to provide them an opportunity to elevate on the schedule. Let's get together this afternoon to discuss additional OMB comments and determine next steps to respond.

I've attached the second set of comments from OMB and added our revisions from the response developed by OGC on the first set of comments.

I then highlighted, in yellow, the additional comments for OGC to address. I think OEM can address the blue highlighted comments. Let's get together this afternoon to discuss and determine next steps.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/12/2017 1:54:49 PM
To: Salo, Earl [Salo.Earl@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Hull, George [Hull.George@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]
CC: Noggle, William [Noggle.William@epa.gov]; Prins, Christopher [Prins.Christopher@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Ziegel, Dean [Ziegel.Dean@epa.gov]; Beasley, Lynn [Beasley.Lynn@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]
Subject: RE: EPCRA 304 Q&A-Additional OMB comments

Hi, Earl: I will send you my comments shortly. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Salo, Earl
Sent: Wednesday, October 11, 2017 5:23 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Hull, George <Hull.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
Cc: Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>
Subject: RE: EPCRA 304 Q&A-Additional OMB comments

Looking at these Q&As and also a Q&A that Kathy Franklin sent, I saw a few that EPA would have to discuss in defending the draft new Q&A. Attached is a description of some of the Q&As, and what EPA might say about some of them. I'd appreciate your comments on them, and would like to know if there are other EPA statements that you think might cause EPA problems in defending the draft new Q&A. Thanks!

-----Original Appointment-----

From: Gioffre, Patricia
Sent: Wednesday, October 11, 2017 2:22 PM
To: Jacob, Sicy; Principe, Vanessa; Franklin, Kathy; Hull, George; Lewis, Jen; Michaud, John; Salo, Earl; Swenson, Erik; Hostage, Barbara
Cc: Noggle, William; Prins, Christopher; Sullivan, Tim; Ziegel, Dean; Beasley, Lynn; Beaman, Joe
Subject: EPCRA 304 Q&A-Additional OMB comments
When: Wednesday, October 11, 2017 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference call 866-299-3188 202-564-1972#

Update-Adding some FAQs from our website that relate to routine agricultural operations.

All-I've sent a message to OLEM senior leaders to provide a summary of today's call with DOJ and OMB and to provide them an opportunity to elevate on the schedule. Let's get together this afternoon to discuss additional OMB comments and determine next steps to respond.

I've attached the second set of comments from OMB and added our revisions from the response developed by OGC on the first set of comments.

I then highlighted, in yellow, the additional comments for OGC to address. I think OEM can address the blue highlighted comments. Let's get together this afternoon to discuss and determine next steps.

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/20/2017 12:12:14 AM
To: Noggle, William [Noggle.William@epa.gov]
Subject: RE: CERCLA 103 Interagency comments-OEM document

No worries. I am working hard to get the ICR done by Monday. I talked to OP/ICR desk officer, Judy Suzuki. She told me that we can informally submit the ICR to OMB on Monday as they requested. After OMB gives back to us, then we need to go thru OP for the 30-day comment period.

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Noggle, William
Sent: Thursday, October 19, 2017 7:20 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Sorry. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Jacob, Sicy
Sent: Thursday, October 19, 2017 4:39 PM
To: Noggle, William <Noggle.William@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

No I didn't get a response so I didn't have the number. No problem. thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Noggle, William
Sent: Thursday, October 19, 2017 4:30 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Sorry. I just saw this email. I hope you were able to join the call.

From: Jacob, Sicy
Sent: Thursday, October 19, 2017 3:21 PM
To: Noggle, William <Noggle.William@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Hi, Bill: Is there a call at 3:30? I didn't get the invite. If it is just meant for OGC/Kim etc. only I understand. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Noggle, William
Sent: Thursday, October 19, 2017 2:30 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Thanks Jen. I'll hold off on sending to OMB until we have the CERCLA redline to go with it. If that's ok? Also, it may be more efficient to discuss the EPCRA redline with both OMB and DOJ (DOJ isn't on the 3:30 call).

From: Lewis, Jen
Sent: Thursday, October 19, 2017 2:19 PM
To: Swenson, Erik <Swenson.Erik@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

Hi folks,

Here is an updated Q&A, in both redline and clean versions. The big thing we did is create a standalone paragraph about waste.

Thoughts? If we want to share with OMB for this afternoon's call, that's fine. Though we would have to note this is still going through EPA review (David Fotouhi would like to see).

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Swenson, Erik
Sent: Thursday, October 19, 2017 1:38 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

All, see the attached edits (hopefully with all the markups it's not too confusing). I mostly reworked the intro section and made a few edits to the section on pesticides/fertilizers and the section on the compliance agreement.

From: Gioffre, Patricia
Sent: Thursday, October 19, 2017 11:15 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CERCLA 103 Interagency comments-OEM document

Here is the document that I was working from during today's meeting.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/19/2017 5:48:28 PM
To: Swenson, Erik [Swenson.Erik@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Lewis, Jen [Lewis.Jen@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Salo, Earl [Salo.Earl@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]
Subject: RE: CERCLA 103 Interagency comments-OEM document

Hi, I did a quick review. So far, I only see one edit we need to make.

On December 18, 2008, EPA published a final rule that exempted most farms from certain release reporting requirements in CERCLA and EPCRA. More specifically, the rule exempted all farms that released hazardous substances from animal waste to the air above threshold levels from reporting under CERCLA. For EPCRA reporting, the rule exempted reporting of such releases if the farm had fewer animals than a large concentrated animal feeding operation (CAFO). In short, all farms were relieved from reporting qualifying releases to the air from animal waste under CERCLA, and only large CAFOs were subject to EPCRA reporting.

I will let you know if I see anything else. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Swenson, Erik
Sent: Thursday, October 19, 2017 1:38 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>
Subject: RE: CERCLA 103 Interagency comments-OEM document

All, see the attached edits (hopefully with all the markups it's not too confusing). I mostly reworked the intro section and made a few edits to the section on pesticides/fertilizers and the section on the compliance agreement.

From: Gioffre, Patricia
Sent: Thursday, October 19, 2017 11:15 AM
To: Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: CERCLA 103 Interagency comments-OEM document

Here is the document that I was working from during today's meeting.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 10/6/2017 1:26:57 PM
To: Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Routine agricultural operations Q&A for OMB review

Let's hope so... **Personal Matters / Ex. 6**

Farms are not exempted under EPCRA Section 302

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Under Section 303, LEPCs can request any information from the farms for emergency planning. I will mention it in the national LEPC handbook I am developing...about farms and other facilities that may be exempted from 304 and 311/312.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Principe, Vanessa
Sent: Friday, October 06, 2017 9:16 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Routine agricultural operations Q&A for OMB review

Valid concern, and likely to be raised by some in response to this interpretation.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Jacob, Sicy
Sent: Friday, October 06, 2017 8:41 AM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>
Subject: RE: Routine agricultural operations Q&A for OMB review

Deliberative Process / Ex. 5

Hope NRC would notify them immediately.

*Sicy Jacob
Chemical Engineer*

**Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019**

From: Gioffre, Patricia

Sent: Friday, October 06, 2017 8:23 AM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Prins, Christopher <Prins.Christopher@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

Cc: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>

Subject: Routine agricultural operations Q&A for OMB review

EPCRA/CERCLA workgroup-

Attached is the revised Q&A for the EPCRA 304 interpretation of routine agricultural operations. The logic of the argument on the Q&A is laid out in the email below.

Susan Bodine and Patrick Davis reviewed this last night and approved it to go to OP and OMB. I am sharing with the workgroup as an FYI.

Let me know if you have any questions.

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Lewis, Jen

Sent: Thursday, October 05, 2017 3:59 PM

To: Davis, Patrick <davis.patrick@epa.gov>

Cc: Michaud, John <Michaud.John@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Brooks, Becky <Brooks.Bekky@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Hosford, Elizabeth (CIV) <Elizabeth.Hosford@usdoj.gov>; Fotouhi, David <Fotouhi.David@epa.gov>

Subject: Updated routine agricultural operations Q&A

Patrick,

As we discussed earlier today, OGC has revised the draft Q&A to address various comments. The draft is attached. We thought it might be helpful to set out the thought process for the exception, which we've done below.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We are happy to discuss.

We understand that this needs to go to OMB by tomorrow, so if folks in the "cc" line could get this to all the right people for final review, that would be great.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
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To: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: 2008 Final Rule - "Routine Agricultural Operations"
Attachments: Final Rule December 18 2008.pdf

Hi, I searched the proposed rule (2007) and the final rule (2008) to see if we mentioned or defined "routine agricultural operations".

The only place we mentioned this is in the preamble to the 2008 Final rule, p. 76951, 3rd column. see attached.

"The scope of this rule is intended to include all hazardous substances that may be emitted to the air from animal waste at farms that would otherwise be reportable under those sections. The Agency is not, in this rule, defining facility, normal application of fertilizer, or routine agricultural operations."

Deliberative Process / Ex. 5

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/26/2017 4:53:27 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: RE: 2008 Final Rule - "routine agricultural operations"

Ok I will do that now. thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: Jennings, Kim
Sent: Tuesday, September 26, 2017 12:52 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: RE: 2008 Final Rule - "routine agricultural operations"

Yes. We should pass this along to Earl, Erik, and Jen.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Jacob, Sicy
Sent: Tuesday, September 26, 2017 11:35 AM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: 2008 Final Rule - "routine agricultural operations"

Hi, I searched the proposed rule (2007) and the final rule (2008) to see if we mentioned or defined "routine agricultural operations".

The only place we mentioned this in the 2008 final rule preamble, p. 76951, 3rd column

"The scope of this rule is intended to include all hazardous substances that may be emitted to the air from animal waste at farms that

would otherwise be reportable under those sections. The Agency is not, in this rule, defining facility, normal application of fertilizer, or routine agricultural operations.”

So with the Q & A, we are further defining it/extending our policy. Let me know if we should let Earl and Erik know so they won't be caught in a surprise.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/28/2017 4:07:19 PM
To: Ziegel, Dean [Ziegel.Dean@epa.gov]; Haas, Craig [Haas.Craig@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: FW: EPCRA/CERCLA website announcement

Craig/Dean: Can you please forward the link (provided below) to your regional contacts (the one you normally use for the calls).

We have posted an announcement on our website today to give the public notice that we are planning to provide guidance for farms to comply with reporting air releases of hazardous substances to air from animal wastes. It will be posted on our website by 10/16/17.

Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

The page is live and available at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

There is also a link on the EPCRA homepage.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/28/2017 3:28:15 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]
Subject: RE: Request to Post information today: EPCRA/CERCLA website announcement

Hi, should I forward this to Craig Haas and Dean Ziegel so they can send to all their contacts. thanks

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Gioffre, Patricia
Sent: Thursday, September 28, 2017 11:18 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Subject: Fwd: Request to Post information today: EPCRA/CERCLA website announcement

As requested by Patrick Davis, we have posted an announcement on our website today to give the public notice that we are planning to provide guidance on our website by 10/16/17.

We should be able to send out to regional contacts and our colleagues in OAR and OW.

See the link in the email below.

Sent from my iPhone

Begin forwarded message:

From: "Mayer, Eileen" <Mayer.Eileen@epa.gov>
Date: September 28, 2017 at 10:41:31 AM EDT
To: "Gioffre, Patricia" <Gioffre.Patricia@epa.gov>
Cc: "Jennings, Kim" <Jennings.Kim@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Taylor, Trish" <Taylor.Trish@epa.gov>, "Colip, Matthew" <colip.matthew@epa.gov>
Subject: RE: Request to Post information today: EPCRA/CERCLA website announcement

The page is live and available at: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

There is also a link on the EPCRA homepage.

Eileen M. Mayer
Web Editor-in-Chief ([EPCRA](#), [RMP](#), [Oil Spills Regulations](#), and [Emergency Response](#))
Office of Emergency Management
U.S. Environmental Protection Agency
202-564-9628

From: Gioffre, Patricia
Sent: Thursday, September 28, 2017 10:20 AM
To: Mayer, Eileen <Mayer.Eileen@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Hull, George <Hull.George@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Request to Post information today: EPCRA/CERCLA website announcement

Eileen- We got the message today from Patrick Davis that it is OK to post this information on our website. He would like it up today if that is possible.

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

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Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/22/2017 5:15:04 PM
To: Weeks, Victor [weeks.victor@epa.gov]
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Oh ok.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor
Sent: Friday, September 22, 2017 12:31 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

EPA did not provide a form, the various trade associations provided forms for their members. EPA streamline the CR reporting in the sense that we removed EPA out of the reporting loop.

From: Jacob, Sicy
Sent: Friday, September 22, 2017 12:20 PM
To: Weeks, Victor <weeks.victor@epa.gov>
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Victor: I know if I look thru all Lynn's files I will be able to find it. But I was wondering if you a copy of the streamlined CR form that we developed for large CAFOs.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor
Sent: Friday, September 22, 2017 12:09 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

As we discussed, the guidance we provided subsequent to the rule took EPA out of the “normal” CR reporting loop. We used the terms “simplified” or “streamlined” CR reporting for farms reporting releases associated with animal waste.

iii. Continuous Release Reporting

Continuous release reporting is available for those farms that are at or above the threshold described above in section II.B.ii. In general, the Agency believes that emissions from animal waste into the air are usually continuous and stable in quantity and rate to qualify as continuous releases pursuant to 40 CFR 302.8. The regulations implementing EPCRA section 304 are found in 40 CFR Part 355, Subpart C—Emergency Release Notification and describe the information required for the EPCRA emergency notifications. At the present time, EPA has not adopted conversion factors from which to derive quantities of common hazardous substances from numbers of particular species of farm animals. One purpose of the air monitoring study is to develop estimating methodologies. In the meantime, when reports are submitted pursuant to EPCRA section 304 for animal waste from farms, the Agency expects reports to reflect good faith estimates from reporting entities. In addition, EPA intends to issue guidance to assist those farms that are required to submit reports under EPCRA section 304 with continuous release reporting, as provided in 40 CFR 355, Subpart C— Emergency Release Notification.

From: Jacob, Sicy

Sent: Friday, September 22, 2017 11:34 AM

To: Weeks, Victor <weeks.victor@epa.gov>

Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Oh this is what you folks sent out. I will review our factsheet from the 2008 rule to see if there is any discrepancies. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor

Sent: Friday, September 22, 2017 11:31 AM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: FW: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

From: Victor Weeks [mailto:Weeks.Victor@epamail.epa.gov]

Sent: Friday, September 22, 2017 11:00 AM

To: Weeks, Victor <weeks.victor@epa.gov>

Subject: Fw: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Sincerely,

Victor L. Weeks
Chemical Emergency Preparedness and Prevention Coordinator
U. S. EPA - Region 4
404/562-9189 - Telephone
404/562-9163 - Facsimile

CONFIDENTIALITY NOTICE: This message and any attachments from the U. S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

----- Forwarded by Victor Weeks/R4/USEPA/US on 09/22/2017 10:59 AM -----

From: Victor Weeks/R4/USEPA/US
To: Bryce Covington/R4/USEPA/US@EPA, Denise Tennessee/R4/USEPA/US@EPA,
Cc: Caron Falconer/R4/USEPA/US@EPA
Date: 01/16/2009 01:58 PM
Subject: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Bryce:

Please send the CAFO Reporting statement and associated Fact Sheet provided below to all of R4's SERCs.

Denise, please send also to your R4 Ag counterparts, as appropriate.

Sincerely,

Victor L. Weeks
Risk Management Program Coordinator
U. S. EPA - Region 4
404/562-9189 - Telephone
404/562-9163 - Facsimile

CONFIDENTIALITY NOTICE: This message and any attachments from the U. S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

The U.S. Environmental Protection Agency - Region 4 (EPA R4) wanted to provide you with information concerning a final rule that applies to reporting of air releases of hazardous substances in animal waste at farms. We are asking that you distribute this information as widely as possible.

The rule provides an administrative reporting exemption from notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The rule also provides a limited administrative exemption from notification requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) for farms that confine animals in numbers less than those specified by category in the rule.

The regulation can be found at: [CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farm](#)

This rule will become effective on January 20, 2009.

For more information about the proposed rule, please see the associated Fact Sheet below.

(See attached file: CERCLA EPCRA CAFO Reporting Fact Sheet.doc)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/27/2017 7:27:44 PM
To: Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Tarrab, Alan [tarrab.alan@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Hull, George [Hull.George@epa.gov]
CC: Belke, Jim [Belke.Jim@epa.gov]
Subject: RE: Q&A on Routine Agricultural Operations under EPCRA 304
Attachments: Routine Agricultural Operations -QA_DRAFT 9-22-17 Kathy Sicy Joe edits.docx; EPCRA Section 304 Q & A 09 27 2017.docx

Importance: High

Hi, Everyone: So, after seeing Patrick's comment this morning on the Q & A, then Kathy, Joe, Vanessa, and then I had comments too (see the first attachment).

I understand Patrick's concern, so I decided to revise the whole Q & A (see the second attachment). I asked Jim B. to read the revised Q & A to see if it makes sense. Thanks, Jim.

I know this is a new version that we need to send around to OGC and the front office.

Note: The 2008 final rule only focus on air releases. It says in the preamble that we are not
Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Franklin, Kathy
Sent: Wednesday, September 27, 2017 1:31 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: Q&A on Routine Agricultural Operations under EPCRA 304

I made edits on the Sharepoint version that was in Patrick Davis' email. I managed to attach the file.

Kathy Franklin
USEPA, Office of Emergency Management
WJ Clinton North Bldg., Rm. 6450G Mailcode 5104A
1200 Pennsylvania Ave. NW, Washington, DC 20460 (Zip 20004 for private courier delivery)
Phone: 202-564-7987

Email: franklin.kathy@epa.gov

From: Jacob, Sicy

Sent: Wednesday, September 27, 2017 10:56 AM

To: Principe, Vanessa <Principe.Vanessa@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: RE: Q&A on Routine Agricultural Operations under EPCRA 304

I like Vanessa's re-write of the question. I agree with her on keeping the paragraph that Patrick questioned.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Principe, Vanessa

Sent: Wednesday, September 27, 2017 9:33 AM

To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: RE: Q&A on Routine Agricultural Operations under EPCRA 304

Stumbled a bit over the phrasing of the question:

Question: Do farmers have to report air releases of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances and/or Emergency Planning and Community Right-to-Know Act (EPCRA) extremely hazardous substances from animal wastes under EPCRA Section 304?

At first glance, someone could interpret, if not read carefully, that you don't have to report under either CERCLA and EPCRA – particularly since CERCLA leads the question. Suggest perhaps editing the question as follows:

Question: Do farmers have to report air releases of hazardous or extremely hazardous substances from animal wastes under EPCRA Section 304?

The paragraph that Patrick Davis is taking issue with I would definitely keep, which explains in detail which substances are required to be reported under 304 –being CERCLA hazardous and EPCRA extremely hazardous substances.

Thanks, V

From: Gioffre, Patricia

Sent: Tuesday, September 26, 2017 4:20 PM

To: Davis, Patrick <davis.patrick@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>

Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>;

Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Hull, George <Hull.George@epa.gov>; Tarrab, Alan <tarrab.alan@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>

Subject: Q&A on Routine Agricultural Operations under EPCRA 304

Importance: High

Attached is a draft Q&A on EPA's interpretation of routine agricultural operations.

OGC is currently reviewing; however, I am sharing with others for feedback.

Given the timeframe we have to issue guidance (by 10/16/17), please respond with any questions/concerns at your earliest convenience.

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/27/2017 3:38:18 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Beaman, Joe [Beaman.Joe@epa.gov]; Bosecker, Elizabeth [Bosecker.Elizabeth@epa.gov]; Franklin, Kathy [Franklin.Kathy@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Review requested- CERCLA/EPCRA Website Guidance- DRAFT
Attachments: Guidance for Farms DRAFT 09 25 2017 Sicy's comments.docx

Hi, Patty: I know that everyone else provided you their comments on top of others. Sorry, I commented on the version that you sent yesterday. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Tuesday, September 26, 2017 9:59 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>
Subject: Review requested- CERCLA/EPCRA Website Guidance- DRAFT

Attached is a draft guidance that we can put on the EPA website for farmers on how to comply with CERCLA and EPCRA reporting requirements for air emissions from animal wastes.

Sicy developed the substance (thank you!) and I tried to make it web friendly.
Please review and provide suggested edits by mid-day Thursday (9/28) if possible. I'd like to send over to OGC by COB Thursday for their review.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Friday, September 15, 2017 12:14 PM

To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Guidance for Farms (DRAFT)

Hi, I drafted the guidance for farms (attached). I have some questions/comments for you guys. Feel free to edit as necessary. Thanks.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/27/2017 2:53:35 PM
To: Canino, Richard [Canino.Richard@epa.gov]
Subject: FW: Review requested- CERCLA/EPCRA Website Guidance- DRAFT
Attachments: Guidance for Farms DRAFT 09 25 2017.docx

Here is the guidance we have drafted to post on our website.

*Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019*

From: Gioffre, Patricia
Sent: Tuesday, September 26, 2017 9:59 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
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Subject: Review requested- CERCLA/EPCRA Website Guidance- DRAFT

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Sicy developed the substance (thank you!) and I tried to make it web friendly.
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Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Jacob, Sicy
Sent: Friday, September 15, 2017 12:14 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: Guidance for Farms (DRAFT)

Hi, I drafted the guidance for farms (attached). I have some questions/comments for you guys. Feel free to edit as necessary. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/22/2017 4:13:08 PM
To: Weeks, Victor [weeks.victor@epa.gov]
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Thanks, Victor for clearing all that in my head ☺

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor
Sent: Friday, September 22, 2017 12:09 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

As we discussed, the guidance we provided subsequent to the rule took EPA out of the “normal” CR reporting loop. We used the terms “simplified” or “streamlined” CR reporting for farms reporting releases associated with animal waste.

iii. Continuous Release Reporting

Continuous release reporting is available for those farms that are at or above the threshold described above in section II.B.ii. In general, the Agency believes that emissions from animal waste into the air are usually continuous and stable in quantity and rate to qualify as continuous releases pursuant to 40 CFR 302.8. The regulations implementing EPCRA section 304 are found in 40 CFR Part 355, Subpart C—Emergency Release Notification and describe the information required for the EPCRA emergency notifications. At the present time, EPA has not adopted conversion factors from which to derive quantities of common hazardous substances from numbers of particular species of farm animals. One purpose of the air monitoring study is to develop estimating methodologies. In the meantime, when reports are submitted pursuant to EPCRA section 304 for animal waste from farms, the Agency expects reports to reflect good faith estimates from reporting entities. In addition, EPA intends to issue guidance to assist those farms that are required to submit reports under EPCRA section 304 with continuous release reporting, as provided in 40 CFR 355, Subpart C— Emergency Release Notification.

From: Jacob, Sicy
Sent: Friday, September 22, 2017 11:34 AM
To: Weeks, Victor <weeks.victor@epa.gov>
Subject: RE: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Oh this is what you folks sent out. I will review our factsheet from the 2008 rule to see if there is any discrepancies. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Weeks, Victor
Sent: Friday, September 22, 2017 11:31 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

From: Victor Weeks [<mailto:Weeks.Victor@epamail.epa.gov>]
Sent: Friday, September 22, 2017 11:00 AM
To: Weeks, Victor <weeks.victor@epa.gov>
Subject: Fw: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Sincerely,

Victor L. Weeks
Chemical Emergency Preparedness and Prevention Coordinator
U. S. EPA - Region 4
404/562-9189 - Telephone
404/562-9163 - Facsimile

CONFIDENTIALITY NOTICE: This message and any attachments from the U. S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

----- Forwarded by Victor Weeks/R4/USEPA/US on 09/22/2017 10:59 AM -----

From: Victor Weeks/R4/USEPA/US
To: Bryce Covington/R4/USEPA/US@EPA, Denise Tennessee/R4/USEPA/US@EPA,
Cc: Caron Falconer/R4/USEPA/US@EPA
Date: 01/16/2009 01:58 PM
Subject: CERCLA-EPCRA Animal Waste Reporting Fact Sheet

Bryce:

Please send the CAFO Reporting statement and associated Fact Sheet provided below to all of R4's SERCs.

Denise, please send also to your R4 Ag counterparts, as appropriate.

Sincerely,

Victor L. Weeks
Risk Management Program Coordinator
U. S. EPA - Region 4
404/562-9189 - Telephone
404/562-9163 - Facsimile

CONFIDENTIALITY NOTICE: This message and any attachments from the U. S. Environmental Protection Agency may contain CONFIDENTIAL and legally protected information. If you are not the addressee or intended recipient, please do not read, print, copy, use or disclose this communication to others; also, please notify the sender by replying to this message, and then delete it from your system.

The U.S. Environmental Protection Agency - Region 4 (EPA R4) wanted to provide you with information concerning a final rule that applies to reporting of air releases of hazardous substances in animal waste at farms. We are asking that you distribute this information as widely as possible.

The rule provides an administrative reporting exemption from notification requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The rule also provides a limited administrative exemption from notification requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA) for farms that confine animals in numbers less than those specified by category in the rule.

The regulation can be found at: [CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farm](#)

This rule will become effective on January 20, 2009.

For more information about the proposed rule, please see the associated Fact Sheet below.

(See attached file: CERCLA EPCRA CAFO Reporting Fact Sheet.doc)

Reporting Air Releases of Hazardous Substances from Animal Wastes under CERCLA and EPCRA

Guidance for Farms

On December 18, 2008, EPA published a final rule that exempted all farms from reporting air releases of hazardous substances from animal wastes under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The final rule also exempted farms from reporting air releases of hazardous substances from animal wastes under Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if they stable or confine fewer than certain numbers of different species. On April 11, 2017, the DC Circuit Court vacated this final rule. All farms are now subject to reporting releases of hazardous substances to air from animal wastes if their reportable quantities are met.

EPA developed this guidance to assist farms to comply with these release reporting requirements.

Compliance Date

In response to a request from EPA, the DC Circuit Court has extended the date to November 15, 2017 by which farms must begin reporting these releases. Starting on this date, all farms that have releases of hazardous substances to air from animal wastes equal to or greater than their reportable quantities within any 24-hour period must provide notification of such releases.

Statutory Background

Release Notification Requirements under CERCLA Section 103

Section 103 of CERCLA (codified in 40 CFR 302.6) requires any person in charge of a vessel or an offshore or an onshore facility that has a release of any hazardous substance designated under Section 102 of CERCLA at or above its reportable quantity within any 24-hour period to provide an immediate notification to the National Response Center (NRC).

The National Response Center (NRC) can be reached at **1-800-424-8802** or **202-267-2675**.

Release reporting requirements as well as the list of CERCLA hazardous substances and their reportable quantities (RQs) are codified in the regulations at 40 CFR Part 302.

[HYPERLINK "<https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-part302.pdf>"]

Except for federally permitted releases and certain activities that are exempted, farms may be subject to these reporting requirements if any release of a CERCLA hazardous substance occur at or above its RQ.

CERCLA provides a few exemptions to relieve farms from immediate release notification requirement, provided that the releases meet certain criteria. These are explained below.

- **Exemptions from Immediate Release Reporting under CERCLA**

CERCLA Sections 101 and 103 provides that the normal application of fertilizers and the application of pesticide products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) are exempted from release notification. However, any spills or accidents involving these substances must be immediately notified to the NRC.

CERCLA Section 103 provides that releases that are continuous, stable in quantity and rate are not subject to immediate release notification, if certain requirements are met to establish the release as continuous.

- **Streamlined Reporting under CERCLA Section 103 Release Notification Requirements**

Commented [JS1]: Should we call it "streamline" or "Reduced"

CERCLA Section 103(f) provides an exemption from immediate release notification for releases that are continuous, stable in quantity and rate. This exemption is provided only if the continuity, quantity, and regularity of the release is established and is reported annually. The statute also provides that any significant increase in the quantity of the hazardous substance released must also be provided. EPA published the implementing regulations for continuous release reporting (40 CFR 302.8).

EPA defines "continuous releases" as a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes. EPA believes that emissions from animal waste into the air are usually continuous and stable in quantity and rate to qualify as continuous releases as described in the regulations. See Appendix A of this document for the definitions of terms in the continuous release reporting requirements.

Although immediate notification is not required for releases that are continuous, farms have to comply with certain requirements, such as providing initial telephone notification, initial written notification, follow-up written notification, notification of changes in the release, etc. Farms may use this streamlined reporting option (i.e. continuous release reporting) for reporting emissions of ammonia and hydrogen sulfide to air from animal wastes.

- **Continuous Release Reporting Requirements**

As stated above, the Agency believes that the emissions from animal wastes into the air is usually continuous and stable in quantity and rate so farms may use the option for continuous release reporting instead of providing immediate notification each time the reportable quantity is met for ammonia and hydrogen sulfide released to air from animal wastes. The reportable quantity for ammonia and hydrogen sulfide is 100 pounds (40 CFR 302.4).

There are certain requirements for continuous release reporting and these are summarized below. For details on these requirements, refer to the regulations at 40 CFR 302.8. [[HYPERLINK "https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-sec302-8.pdf"](https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-sec302-8.pdf)]

The regulations in 40 CFR 302.8 states that any releases qualifying for reduced reporting, notifications and reports should be provided to either the NRC or EPA as summarized below.

The definitions of terms used in the continuous release reporting requirements are provided in Appendix A of this document.

1. Initial Telephone Notification

Under continuous release reporting, farms would have to provide an initial telephone notification to the National Response Center (NRC). The telephone number for the NRC is 1-800-424-8802 (toll-free); in Washington DC, 202-267-2675.

If the person operating the farm makes a determination that the releases of hazardous substances, ammonia and hydrogen sulfide, from animal wastes to air qualify as a continuous release, then the initial notification to the NRC must be identified as an "initial continuous release notification". In other words, inform the NRC representative know that it is the initial notification for a continuous release

The following information should be provided to the NRC representative for this initial notification:

- The name and location of the farm
- The name(s) of the hazardous substance(s) released

The NRC representative will provide an identification number (CR-ERNS) for your farm. You may have to use this number for any follow-up report or notification that are required under the continuous release reporting requirements.

- **Initial Written Notification**

Within 30 days of the initial telephone notification, an initial written notification must be submitted to the EPA Regional Office for the area where the release occurs.

EPA Regional Office Contacts:

[[HYPERLINK "https://www.epa.gov/epcra/cr-erns-regional-contacts"](https://www.epa.gov/epcra/cr-erns-regional-contacts)]

EPA developed continuous release reporting form that farms may use to provide the initial written notification. This form is available on our website at:.....

The hard copy of the continuous release form can be found in Appendix B of this document.

- **Notification of Changes in the Release**

- **Notification of a Statistically Significant Increase in a Release**

Although continuous releases do not need to be immediately reported, any statistically significant releases must be immediately reported to the NRC.

Commented [JS2]: Kim/Patty/Vanessa: I am not sure if farms are subject to TRI requirements. If they are, our regs provides an option to submit the Form R instead of this initial written notification and they also have to provide some additional information.

So, we could mention that in this section but then we have to list all the additional info they need to provide to supplement Form R. What do you think? Should we mention that or just forget about it. I will leave that up to you guys.

- **Annual Evaluation of Releases (Follow-up Written Notification)**

Within 30 days of the first anniversary date of the initial written notification (i.e. the first continuous release report), the person in charge of the farm should verify and update the information submitted initially for each of the hazardous substances, ammonia and hydrogen sulfide, reported. The revised continuous release reporting form should be submitted to the EPA Regional Contacts. This follow-up report should be re-certified by the person in charge of the farm.

[HYPERLINK "<https://www.epa.gov/epcra/cr-erns-regional-contacts>"]

Available Studies for Estimating Releases of Ammonia and Hydrogen Sulfide from Animal Wastes

EPA is currently developing methodologies for estimating releases of Ammonia and hydrogen sulfide from animal wastes at farms. While EPA finalize these, farms may use any of the resources provided below or any other studies available to you for estimating releases.

1. **Estimating emissions of ammonia and hydrogen sulfide on dairy operations**

If your farm has dairy operations, you may use this worksheet to estimate emissions of ammonia and hydrogen sulfide. Emission rates provided for ammonia are for summer and winter months. This reference indicates that hydrogen sulfide levels are fairly stable throughout the year.

[HYPERLINK "<http://aware.uga.edu/wp-content/uploads/2009/09/EPCRA-Report-Dairy.pdf>"]

(Source: These emission estimates are based on research data collected by Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, and West Texas A&M University.)

2. **Calculation Worksheet for Ammonia and Hydrogen Sulfide emissions on Swine operations, confinement with liquid manure**

You may use this calculation worksheet if you farm has swine operations confinement with liquid manure management systems. Emission rates are provided for shallow and deep pits.

[HYPERLINK "<http://aware.uga.edu/wp-content/uploads/2009/09/EPCRA-Report-Swine.pdf>"]

(Source: The emissions estimates are derived from research reported by:

Commented [JS3]: Kim/Patty/Vanessa: These are additional information that all facilities have to submit if they file continuous releases. So, if we ask the farms to provide all these info, we are not making it any easier for them.
Anyway, take a look at 40 CFR 302.8. So much info is requested from facilities.

Let me know what you think and I can complete these sections.

Btw, if we are told to reduce burden for farms, we may need to revise the regulations for continuous release section just for farms ☺

Commented [JS4]: I have to go thru all the data elements to make sure both initial and follow-up notification are same info.
Or if additional info is needed.
I will revise the section accordingly after I revise the form.

Commented [JS5]: Kim/Patty/Vanessa: We can reference all four studies that the air office (Allison Costa) forwarded, but we have to revise all of them by referencing 2008 rule/EPCRA large CAFO compliance. Couple of them have the CR form so we may have to revise or delete those to the one we may be developing for farms.

Gay, S.W., D.R. Schmidt, C.J. Clanton, K.A. Janni, L.D. Jacobson, S. Weisberg. 2003. Odor, Total Reduced Sulfur and Ammonia Emissions from Animal Housing Facilities and Manure Storage Units in Minnesota. *Applied Engineering in Agriculture*, 19(3) 347-360, ASABE, St. Joseph, MI.

and:

Jacobson, L.D., A.J. Heber, S.J. Hoff, Y. Zhang, D.B. Beasley, J.A. Koziel, and B.P. Hetchler. 2006. *Aerial Pollutants Emissions from Confined Animal Buildings. Summary report, Ag Air Workshop, USDA-IFAFS research and demonstration program.*) This study indicates that these values are a good faith estimate of emissions from swine operations using typical confinement housing and manure storages and located in a temperate climate.

3. Estimating Emissions of Hydrogen Sulfide and Ammonia from Poultry Operations.

If your farm has poultry operations, (broilers, laying hens and turkeys), you may use the emission rates provided in this study to calculate emissions for ammonia and hydrogen sulfide. This study lists emission rates for various housing type for each species. It also includes instructions for using the emission rates to calculate emissions for these substances as well as examples on calculating emissions.

Commented [JS6]: None of the above or this one have rates on "ducks" but I think the next study maybe used since it has rates for egg producing birds, meat producing birds).

[HYPERLINK

"http://articles.extension.org/sites/default/files/w/5/51/Poultry_NH3_and_H2S_emissions.pdf"]

4. Estimating Emissions of Ammonia from beef, dairy, horse, swine, poultry operations

This study was completed by the University of Nebraska on ammonia losses from animal housing facilities in various conditions (i.e. open dirt lots, in cool and humid days) for different species (beef, dairy, horse, swine, poultry, etc.). You may use the emission rates provided in this study to estimate releases of ammonia.

[HYPERLINK "http://water.unl.edu/documents/Ammonia%20Emissions%20Estimator%20-%20Daily%20VersionV03.pdf"]

Here is an example for calculating emissions of ammonia for a farm that houses 5,000 swine using the emission rates provided in the study listed above.

[HYPERLINK "http://water.unl.edu/documents/Ammonia%20Emissions%20Estimator-%20Swine%20finisher%20example.pdf"]

Here is another example for calculating emissions of ammonia for a beef feedlot with [HYPERLINK "http://water.unl.edu/documents/Ammonia%20Emissions%20Estimator-%20Beef%20feedlot%20exampleV02.pdf"]

[HYPERLINK "http://water.unl.edu/documents/Ammonia%20Emissions%20Estimator-%20Beef%20feedlot%20exampleV02.pdf"]

(Source: Rick Stowell and Rick Koelsch, University of Nebraska)

Disclaimer: EPA do not endorse these studies. These are provided to farms to use while EPA finalizes its methodologies for estimating emissions of ammonia and hydrogen sulfide from animal wastes. Farms may use any other methodologies that are available for estimating releases of ammonia and hydrogen sulfide to air from animal wastes.

Release Notification Requirements under EPCRA Section 304

EPCRA section 304 requires facilities that produce, use, or store any “hazardous chemical” to report releases of reportable quantities of any EPCRA Extremely Hazardous Substance (EHS) and of any CERCLA hazardous substance to the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release and to the State Emergency Response Commission (SERC) of any State likely to be affected by the release.

EPCRA exempts certain substances from the definition of hazardous chemicals which may be applicable to farms. These are explained below.

- **Exemption from Release Reporting Requirement under EPCRA Section 304**

EPCRA section 304 requires facilities “at which a hazardous chemical is produced, used or stored” to report releases of reportable quantities of any EPCRA Extremely Hazardous Substance and of any Comprehensive Environmental Response, Compensation, and Liability Act hazardous substance to the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release and to the State Emergency Response Commission (SERC) of any State likely to be affected by the release.

The Occupational and Safety Health (OSH) Act and its implementing regulations define hazardous chemical. Under EPCRA sections 329 and 311(e) “hazardous chemical” has the same meaning as hazardous chemical under the OSH Act but with certain exceptions, including “any substance to the extent it is used in routine agricultural operations.” Section 311(e)(5). Although substances (such as fertilizers, pesticides, heating fuel, or fuel to run farm equipment) may be considered hazardous chemicals under OSH Act regulations, they are not hazardous chemicals under EPCRA to the extent that they are used in routine agricultural operations.

The Agency interprets the term “routine agricultural operations” broadly to encompass a wide range of growing operations, such as farms, nurseries and other horticultural operations, and aquaculture. Existing guidance provides that paint used for maintaining farm equipment and/or fuel used at the farm to operate machinery, including fuel used to heat buildings in a farm for housing animals, and chemicals used for growing and breeding fish and aquatic plants are also considered to be substances used in routine agricultural operations.

Some farms raise animals, which generate waste. The farms often store and use the waste, typically as fertilizer. The storage and use of the waste is an inherent part of raising the animals, and is therefore a “routine agricultural operation.” Farms at which any OSHA hazardous chemicals are “produced, used or

stored” are exempt from reporting under EPCRA Section 304 if those chemicals are all “used in routine agricultural operations.” Sec. 311(e)(5)

In order to meet the reporting requirements under EPCRA Section 304, the facility must be one that would produce, use or store any hazardous chemical, and from which there would be a release of an EPCRA EHS or a CERCLA hazardous substance. The chemicals used or stored at a farm are not considered hazardous chemicals, since they are used for routine agricultural operations. Therefore, farms are exempt from reporting requirements under EPCRA Section 304.

- **Releases of Ammonia or other EHSs during storage/loading/unloading or during application under EPCRA Section 304**

EPCRA Section 302 – Emergency Planning Notification

EPCRA Section 302 is applicable to facilities, such as farms, that may have any extremely hazardous substance (EHS) present at any time above its threshold planning quantity (TPQ). Such facilities are required to notify their State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) that the facility is subject to emergency planning.

The statute does not provide any exemptions for emergency planning notification under Section 302 of EPCRA. Therefore, farms may be subject to emergency planning notification requirement if any EHSs are present on-site at any one time at or above their TPQ. Substances that may be present at farms include, fertilizers such as ammonia, pesticides, herbicides, etc. If any of these substances are on the list of EHSs are present at or above their TPQs, the owner or the operator of the farms must notify their SERC and the LEPC that they are subject to emergency planning. This information is used by LEPCs to develop or modify the community emergency response plan. The statute authorizes LEPCs to request any information necessary to develop or modify the plan. Such request may include, but not limited to, name of the substances, the amount stored at the farms, the location(s) of the substance(s) etc.

List of EHSs and their TPQs can be found at:

[[HYPERLINK "https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-part355-appA.pdf"](https://www.gpo.gov/fdsys/pkg/CFR-2016-title40-vol30/pdf/CFR-2016-title40-vol30-part355-appA.pdf)]

Contact information for the State Emergency Response Commissions (SERCs) can be found at:

[[HYPERLINK "https://www.epa.gov/epcra/state-emergency-response-commissions-contacts"](https://www.epa.gov/epcra/state-emergency-response-commissions-contacts)]

Your SERC may be able to provide you the contact information for your LEPC.

Commented [J57]: If you agree to my comments below, should we provide a brief summary of EPCRA here or before section on “release notification requirements under EPCRA Section 304”

This is what I think we should do based on my comments below:

- Short summary of EPCRA and its goals; cooperate with LEPCs
- Section 302: if farms should comply
- Section 304: statutory requirement, exemption for hazardous chemicals/routine ag operations, mention spills and accidents involving EHSs
- Sections 311 and 312 - farms covered under routine ag operations the exemption. We can encourage them to provide MSDSs to LEPCs?

Ok let me know if you guys think this is good idea or bad?

Commented [J58]: Kim/Patty/Vanessa: I think some farms (medium-sized??) may have crops as well as animals. So, the ones with crops may have ammonia in tanks and/or they apply as fertilizer. These farms may also pesticides that are on EHS list, handled as powders, liquids etc. So, during storage/loading/application, they may have a spill, which is required to be reported under CERCLA to the NRC. However, they are not required to notify SERC and LEPC under EPCRA because of the exemption of not having “hazardous chemicals”. So, the local responders will not be notified and/or the public won’t be protected/evacuated, which is EPCRA’s main goal.

I was wondering if we should add a paragraph to encourage farms to notify, out of goodness of their hearts to notify local emergency responders. What do you guys think?

We could at least provide the list of SERCs in this section, so farms can at least notify them. We don’t have a list of LEPCs but maybe we can advise/suggest farms to call the local fire department too?

Patty: You were on the enforcement call last week when Region 5 wanted to send a compliance letter out to the farms since they did not report a release of ammonia at one of the farms.
So I think it is a good idea to add few sentences.

Commented [J59]: Kim/Patty: I am also thinking that farms need to be reminded or make them aware of their reporting obligation under Section 302, although they may not need to provide release notification under 304 or comply with sections 311 and 312.

Appendix A

Definitions

The following definitions apply to notification of continuous releases, provided in the regulations at 40 CFR 302.8.

Continuous Release: A continuous release is a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations or treatment processes.

Normal Range: The normal range of a release is all releases of a hazardous substance reported or occurring over any 24-hour period under normal operating conditions during the preceding year. Only releases that are both continuous and stable in quantity and rate may be included in the normal range.

Routine: A routine release is a release that occurs during normal operating procedures or processes.

Stable in quantity and rate: A release that is stable in quantity and rate is a release that is predictable and regular in amount and rate of emission.

Statistically significant increase. A statistically significant increase in a release is an increase in the quantity of the hazardous substance released above the upper bound of the reported normal range of the release.

Appendix B

Continuous Release Reporting Forms

Commented [JS10]: We should provide the forms (hard copy) here as well as providing the link to our website.

I am going to try to revise the forms for farms to use, maybe try to simplify?

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 8/24/2017 2:41:29 PM
To: Harper, Jodi [Harper.Jodi@epa.gov]
CC: Stotts, Krystal [Stotts.Krystal@epa.gov]; Blunk, Terri [Blunk.Terri@epa.gov]; Reitz, Patricia [Reitz.Patricia@epa.gov]
Subject: RE: Fw: Ammonia Releases from Manure Storage

Hi, Jodi. Not yet. We are working on some ideas regarding the guidance. Hoping to update soon. Thanks.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Harper, Jodi
Sent: Thursday, August 24, 2017 9:54 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Cc: Stotts, Krystal <Stotts.Krystal@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>
Subject: FW: Fw: Ammonia Releases from Manure Storage

Sicy,

One of our state partners inquired into the CAFO Emissions reporting issue; are you able to update us on the status of the guidance?

Thanks,
Jodi

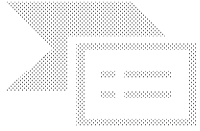
Jodi Harper
Air & Waste Management Division | U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard | Lenexa, KS 66219 | 913.551.7483 | harper.jodi@epa.gov

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]
Sent: Thursday, August 24, 2017 8:47 AM
To: Stotts, Krystal <Stotts.Krystal@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Blunk, Terri <Blunk.Terri@epa.gov>; Harper, Jodi <Harper.Jodi@epa.gov>
Subject: Fwd: Fw: Ammonia Releases from Manure Storage

Pat, Krystal, Terri and Jodi. Where is EPA at on their development of guidance for the Emissions of Ammonia and Hydrogen Sulfide from Manure Storage at AFOs? If you have a better contact for me on this subject I'd appreciate contact information.

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd. Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

----- Forwarded message -----

From: **Reitz, Patricia** <Reitz.Patricia@epa.gov>
Date: Mon, Jun 19, 2017 at 9:57 AM
Subject: Fw: Ammonia Releases from Manure Storage
To: "adam.broughton@dnr.iowa.gov" <adam.broughton@dnr.iowa.gov>

Adam,

HQ is still waiting for an answer.

Pat

From: Jacob, Sicy
Sent: Monday, June 19, 2017 7:29 AM
To: Reitz, Patricia
Subject: RE: Ammonia Releases from Manure Storage

Hi, Pat: We haven't heard anything yet. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Reitz, Patricia
Sent: Friday, June 16, 2017 5:41 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: FW: Ammonia Releases from Manure Storage

Sicy,

Do you know if we received a "stay" on the 2009 CAFO exemption? Did we receive our requested extension to the end of the fiscal year?

Pat Reitz

R7

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]

Sent: Friday, June 16, 2017 11:28 AM

To: Reitz, Patricia <Reitz.Patricia@epa.gov>

Subject: Re: Ammonia Releases from Manure Storage

Good morning Pat. A state legislator asked about this yesterday and so I thought I'd better check. We are past the the delay in the vacation of the exemption (June 9th as noted in your previous e-mail) and so unless the stay was granted we should be receiving notifications from producers. So my questions are:

- Was the stay granted and if so when does it end?
- Will EPA be putting out guidance/press release on the changes?
- What are the other options EPA is exploring and when might they be public?

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd.
Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

On Fri, Jun 2, 2017 at 1:55 PM, Reitz, Patricia <Reitz.Patricia@epa.gov> wrote:

2009 CAFO exemption was vacated by DC Circuit. We asked for a delay of the vacation until June 9. Asking for stay at least through the end of the fiscal year. Looking at other options as well to exempt farms from reporting under EPCRA 304/CERCLA 103.

Pat

From: Broughton, Adam [<mailto:adam.broughton@dnr.iowa.gov>]

Sent: Friday, June 02, 2017 10:56 AM

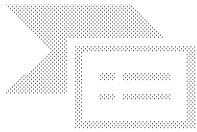
To: Reitz, Patricia <Reitz.Patricia@epa.gov>

Subject: Ammonia Releases from Manure Storage

Pat, we've started getting calls on the Continuous Release reporting of ammonia from manure storage. This is in relation to the recent court loss by EPA on the ammonia/hydrogen sulfide CR-ERNS reporting exemption. Has EPA determined their course of action yet?

Thanks,

Adam



Adam Broughton | Environmental Specialist Senior
Field Services Emergency Response
Iowa Department of Natural Resources
P 515-725-0386 | F 515-281-7229 | 7900 Hickman Rd.
Suite 200,
Windsor Heights, IA 50324
www.iowadnr.gov

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/7/2017 9:33:50 PM
To: Salo, Earl [Salo.Earl@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: EPCRA guidance

Great. thanks so much again for the quick review.

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Salo, Earl
Sent: Thursday, September 07, 2017 5:08 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Subject: RE: EPCRA guidance

One edit on the three paragraphs.

From: Jacob, Sicy
Sent: Thursday, September 07, 2017 4:46 PM
To: Salo, Earl <Salo.Earl@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>
Cc: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: FW: EPCRA guidance
Importance: High

Hi, Earl: I see that Erik sent you his comments (attached) on the "routine agricultural operations policy memo". Please provide us your comments to Erik's edits. We have to draft the Q & A based on your final approval.

Also, we need both of you take a look at the three short paragraphs ("Update on Next Steps" - attached) that we need to post on our web. Patricia Gioffre sent that to the whole workgroup yesterday. I understand that Erik is out until Monday. If you can take a look at both of these docs at least by tomorrow, we really appreciate it.

OLEM Senior leaders are pushing us to get the guidance done soon. Thanks so much for your quick review.

Sicy Jacob
Chemical Engineer
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Office of Emergency Management
U.S. EPA, MailCode 5104A

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Washington DC 20004
(202) 564-8019

From: Swenson, Erik
Sent: Thursday, September 07, 2017 2:31 PM
To: Salo, Earl <Salo.Earl@epa.gov>
Cc: Jacob, Sicy <jacob.sicy@epa.gov>
Subject: EPCRA guidance

Earl, take a look at the edits I made to the latest draft. I inserted some of your draft language. Sicy mentioned to me that OEM is getting pressure to move this forward. Take a look and we can talk.

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/20/2017 1:07:33 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: -- States using/referencing studies on CAFOs -

Hi, without running into the PRA issues, I searched some state websites for any info regarding possible guidance they may have provided for farms on the 2008 final rule and EPCRA large CAFO compliance.

I think many states removed anything regarding 2008 rule like we did. I found couple of states with the info on 2008 rule.

Here is what I found so far.

Delaware referenced the University of Nebraska emissions study for their farms to use. It was posted on their site.

Region 4 – issued guidance and referenced the studies that the air office provided us last week. Victor told me that United Egg & Poultry Association and Beef Cattlemen Association also issued their own guidance for their members for EPCRA compliance.

Region 7 – Jody Harper said that the UNL researcher contacted her to find more info about the rule and revised the earlier study on emission methodologies. She told me that they shared the UNL studies with their states. UNL researcher told Jody that many states called them for the study.

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MEMORANDUM

Subject: Clarification of “routine agricultural operations” as it relates to release reporting requirements for farms under Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304

EPCRA section 304 requires facilities that produce, use, or store any “hazardous chemical” to report releases of reportable quantities of any EPCRA Extremely Hazardous Substance and of any Comprehensive Environmental Response, Compensation, and Liability Act hazardous substance to the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release and to the State Emergency Response Commission (SERC) of any State likely to be affected by the release.

The Occupational and Safety Health (OSH) Act and its implementing regulations define hazardous chemical. Under EPCRA sections 329 and 311(e) “hazardous chemical” has the same meaning as hazardous chemicals under the OSH Act but with certain exceptions, including any substance to the extent it is used in routine agricultural operations. Although substances (such as fertilizers, pesticides, heating fuel, or fuel to run farm equipment) may be considered hazardous chemicals under OSH Act regulations, EPCRA exempts these substances because they are used in routine agricultural operations.

The Agency interprets the term “routine agricultural operations” broadly to encompass a wide range of growing operations, such as farms, nurseries and other horticultural operations. Existing guidance provides that paint used for maintaining farm equipment and/or fuel used at the farm to operate machinery, including fuel used to heat buildings in a farm for housing animals, are considered to be substances used for routine agricultural operations.

The term “routine agricultural operations” also involves activities associated with livestock production (such as cattle, swine, turkey, chicken, etc.). EPA considers substances resulting from these activities at farms are part of “routine agricultural operations” and are thus excluded from the definition of hazardous chemical under EPCRA. Therefore, releases of hazardous chemicals from livestock and poultry at farms are not subject to release reporting requirements under EPCRA section 304.

Hazardous chemical means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that this term does not include:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used:
 - (i) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;
 - (ii) In a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual; or
 - (iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

(see 40 CFR 355.61)

MEMORANDUM

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~~A hazardous chemical is defined under the~~ Occupational and Safety Health (OSH) Act and its implementing regulations ~~define hazardous chemical~~. Under EPCRA sections 329 and 311(e) “hazardous chemical” has the same meaning as hazardous chemicals under the OSH Act but with certain exceptions, including any substance to the extent it is used in routine agricultural operations. Although substances (such as fertilizers, pesticides, heating fuel, or fuel to run farm equipment) may be considered hazardous chemicals under OSH Act regulations, EPCRA exempts these substances because they are used in routine agricultural operations.

~~In the past, the Agency has interpreted the term “routine agricultural operations” broadly to encompass a wide range of growing operations, such as farms, nurseries and other horticultural operations. However, “routine agricultural operations”~~The term also involves activities associated with livestock production (such as cattle, swine, turkey, chicken, etc.).

Existing guidance provides that paint used for maintaining farm equipment, fuel used at the farm to operate machinery, including fuel used to heat buildings in a farm for housing animals are considered to be substances used for routine agricultural operations.

~~Furthermore, EPA also considers that any substances produced at farms that are part of “routine agricultural operations” (including air emissions that result from livestock and poultry) to be part of “routine agricultural operations” and therefore are also excluded from the definition of hazardous chemical under EPCRA. Therefore, releases of hazardous chemicals from livestock and poultry at farms are not subject to release reporting requirements under EPCRA section 304.~~

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 - (iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
- (see 40 CFR 355.61)

Commented [JS1]: Kim: Do we need to provide reference to these lists? (parts 355 and 302.4)

Commented [PV2R1]: At least I would specify which hazardous substances we’re talking about. Suggested edit. If we’re doing footnotes, we could add one here with the reference/link.

Commented [JS3]: This was provided in the October 15 1987 FR notice (sections 311 and 312). I decided not to reference it. Should we??

Commented [GP4R3]: Yes, a footnote would be appropriate

Commented [PV5]: USDA seems to distinguish between livestock and poultry.
https://www.ecfr.gov/cgi-bin/text-idx?SID=a9e2b1a6101758af6551e32eedfa26d&mc=true&pl=/ecfrbrowse/Title09/9cfr381_main_02.tpl

Commented [JS6R5]: I tried to look at their definition. I couldn’t find it.

Commented [JS7]: I don’t think we should say this since we have to convince the public that anything that farms produce (purpose of farming) are crops and meat. The phrase “produce, use, or store hazardous chemical” is not what farms meant to do...so, I don’t think we should even mention “indirect production”

Commented [GP8R7]: OK- I defer to your expertise. I added because I thought that we are interpreting the term broadly to include indirect production.

Commented [JS9R7]: I will let Kim decide.

Commented [PV10R7]: Offering edits to try staying away substances “produced” and instead focus on the substances being at a farm and associated with routine agricultural operations.

Commented [JS11]: I still want to convince the public that farms main purpose is to produce crops and meat. Stay away from discussing air emissions, which is the only way they can be exempted. If we mention “air emissions”, then the enviros would keep arguing about the manure (Coincidentally mfg. hazardous chemicals, such as ammonia, hydrogen sulfide).

KIM??????

MEMORANDUM

Subject: Clarification of “routine agricultural operations” as it relates to release reporting requirements for farms under Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304

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 - (iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
- (see 40 CFR 355.61)

Commented [JS1]: Kim: Do we need to provide reference to these lists? (parts 355 and 302.4)

Commented [JS2]: This was provided in the October 15 1987 FR notice (sections 311 and 312). I decided not to reference it. Should we??

Commented [GP3R2]: Yes, a footnote would be appropriate

Commented [JS4]: I don't think we should say this since we have to convince the public that anything that farms produce (purpose of farming) are crops and meat. The phrase “produce, use, or store hazardous chemical” is not what farms meant to do...so, I don't think we should even mention “indirect production”

Commented [GP5R4]: OK- I defer to your expertise. I added because I thought that we are interpreting the term broadly to include indirect production.

Commented [JS6R4]: I will let Kim decide.

MEMORANDUM

Subject: Clarification of “routine agricultural operations” as it relates to release reporting requirements for farms under Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304

EPCRA section 304 requires facilities that produce, use, or store any hazardous chemical to report releases of reportable quantities (RQs) of any extremely hazardous substance (EHS) ~~or~~ ^{and} Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance to the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release and to the State Emergency Response Commission (SERC) of any State likely to be affected by the release.

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 - (iii) In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
- (see 40 CFR 355.61)

Commented [JS1]: Should we have this in quotes since the next paragraph starts out defining “hazardous chemical”

Commented [JS2]: Like the “box” on the right!!

Commented [JS3]: This was provided in the October 15 1987 FR notice (sections 311 and 312). I decided not to reference it. Should we??

Commented [GP4R3]: Yes, a footnote would be appropriate

Commented [JS5]: I don’t think we should say this since we have to convince the public that anything that farms produce (purpose of farming) are crops and meat. The phrase “produce, use, or store hazardous chemical” is not what farms meant to do...so, I don’t think we should even mention “indirect production”

Commented [JS6R5]:

Commented [JS7R5]:

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 6/29/2017 9:07:52 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
CC: Jacob, Sicy [Jacob.Sicy@epa.gov]
Subject: RE: Checking in
Attachments: DRAFT Policy Memo - Definition of Routine Agricultural Operations 06 29 2017.docx

But I am glad you are there to get me out of my confusion ☺ I didn't realize the guidance would be two separate things, one for EPCRA and one for CERCLA.

So here is what I cut out from what I was drafting earlier (removed the CERCLA stuff).....quick draft...not sure this is what they want.

I didn't mention about the court decision which I didn't think we need to in this case.

Anyway, feel free to edit.....let me know if you have any questions.

I am working at home tomorrow too.
Thanks.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
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Washington DC 20004
(202) 564-8019***

From: Gioffre, Patricia
Sent: Thursday, June 29, 2017 3:56 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Checking in

Easy to get confused on this! I exist in a state of confusion.
☺

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, June 29, 2017 3:55 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Checking in

Ok I guess I got confused. Just realized we have to do it separately as noted in Kim's email.

Sicy Jacob
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(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, June 29, 2017 3:54 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Checking in

I just forwarded Kim's email to you (since I had to do another check to see what she said). I think CERCLA will be addressed separately in "guidance" to be developed.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, June 29, 2017 3:46 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Checking in

Ok so we are not going to discuss CERCLA at all?

Sicy Jacob
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From: Gioffre, Patricia
Sent: Thursday, June 29, 2017 3:45 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Checking in

No. This is an interpretive memo that explains to the regions that haz. subs at farms are exempt due to routine ag. operations exemption (i.e., option 1 of the options paper):

1. Guidance or Rulemaking on "Routine Agricultural Operations":
 - Explore whether a clarification that if all substances at farms were considered to be "used in routine agricultural operations," farms would be exempt from reporting releases under EPCRA § 304.
 - The EPCRA reporting requirements are limited to facilities where "a hazardous chemical is produced, used, or stored..." EPCRA § 311(e)(5) exempts any substance "used in routine agricultural operations" from the definition of "hazardous chemical."
 - A guidance or interpretive rule on this subject would not require notice and comment rulemaking, and may not be subject to judicial challenge. Because EPCRA can be enforced through citizen suits, this concept would be uncertain until tested in litigation.
 - This option would not alleviate the CERCLA reporting requirement.

Patty Gioffre
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202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

From: Jacob, Sicy
Sent: Thursday, June 29, 2017 3:42 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: RE: Checking in

Just thought about you...I am not even sure what we are doing...are we just providing guidance on releases from animal waste at farms or are we also going to remind farms of their other reporting obligations like EPCRA section 302? What about spills during application of fertilizer/pesticides?
So I am little stuck.

Sicy Jacob
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Washington DC 20004
(202) 564-8019

From: Gioffre, Patricia
Sent: Thursday, June 29, 2017 3:39 PM

To: Jacob, Sicy <Jacob.Sicy@epa.gov>

Subject: Checking in

How can I help with the interpretive memo?

Patty Gioffre
USEPA (OLEM/OEM)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

[Follow OLEM](#) on Twitter @EPALand

MEMORANDUM

Subject: Exemption for farms from Section 304 release reporting requirements under the definition of “Routine Agricultural Operations”

Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA) release reporting requirements apply to facilities that produce, use, or store any hazardous chemical, defined under the implementing regulations of the Occupational Safety and Health Act (OSH Act). However, EPCRA Section 311(e) exempts certain substances from the definition of “hazardous chemical”.

Under EPCRA Section 304, farms may be exempted from release reporting requirements based on certain exemptions provided in EPCRA Section 311(e) and the applicability criteria provided in EPCRA Section 304. As mentioned above, EPCRA Section 304 is only applicable to facilities that produce, use, or store a hazardous chemical, which is defined under the OSH Act and its implementing regulations. Although substances, such as fertilizers, pesticides, may be considered as hazardous chemicals under OSH Act regulations, EPCRA Section 311(e) exempts substances used in routine agricultural operations from the definition of hazardous chemical. In the past, the Agency has defined the term “routine agricultural operations” as a broad term encompassing a wide range of growing operations, such as farms, nurseries and other horticultural operations. We are now extending this definition to also include livestock production, such as cattle, swine, turkey, chicken etc.).

Commented [JS1]: This was provided in the October 15 1987 FR notice (sections 311 and 312). I decided not to reference it. Should we??

Substances usually stored or used at a farm are fertilizers, pesticides, heating fuel, or fuel to run farm equipment, which are considered to be substances used in routine agricultural operations, thus exempt from the definition of hazardous chemical as described in Section 311(e)(5). Existing guidance provides that paint used for maintaining farm equipment, fuel used at the farm to operate machinery, including fuel used to heat buildings in a farm for housing animals are considered to be substances used for routine agricultural operations.

Commented [JS2]: Kim: Should we bother mentioning any existing guidance?? The only problem is that these were provided under sections 311 and 312 reporting.

Substances produced at farms are crops or meat for human consumption, which are not defined as hazardous chemicals under OSH Act implementing regulations.

This will be the first time that we are defining this under Section 304. There is always the “FIRST TIME”.

As explained above, the substances produced, used, or stored at farms are not hazardous chemicals under the exemption provided in Section 311(e). Therefore, farms do not meet Section 304 applicability criteria for reporting releases from farms.

Commented [JS3]: Can you replace it with a better term??

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 9/12/2017 2:53:13 PM
To: Salo, Earl [Salo.Earl@epa.gov]
CC: Jennings, Kim [Jennings.Kim@epa.gov]; Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; Swenson, Erik [Swenson.Erik@epa.gov]
Subject: RE: EPCRA guidance
Attachments: October 15 1987.pdf; Qs and As - Routine Agricultural Operations 08 31 17.docx

Hi, Erik: Thanks again for your quick review and comments.

You wanted to review all the existing Qs & As we have on our website related to "routine agricultural operations" and/or Section 311(e)(5) exemption. See attached.

Also, the preamble to the October 15, 1987 Final rule (Inventory reporting), p. 38349, middle column discusses "routine agricultural operations".

We never had a Q & A or any discussion of this for Section 304 release reporting. So, this will be the first time that we are going to be interpreting "routine agricultural operations" for release reporting.

Thanks.

Sicy Jacob
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Office of Emergency Management
U.S. EPA, MailCode 5104A
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Washington DC 20004
(202) 564-8019

From: Salo, Earl
Sent: Thursday, September 07, 2017 5:01 PM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: EPCRA guidance

Sicy-

Please use these comments on the memo. I'm not sure I agree with some of Erik's comments, and he won't be in to discuss them until Monday. Thanks.

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OLEM Senior leaders are pushing us to get the guidance done soon. Thanks so much for your quick review.

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Sent: 6/28/2017 6:08:10 PM
To: Hayes, Scott [Hayes.Scott@epa.gov]
Subject: RE: Vacating the rule on Agricultural Release Exemption

Hi, I wish I can give you a date when the guidance will be issued. We are in the process of drafting it. As you already know, there was a request for rehearing by the pork producers/chicken council. We also have plans to request for court mandate to be delayed so we will have enough time to provide guidance.

The Administrator hasn't been briefed by OGC yet.
We will let all the Regions know when or if anything comes up. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

From: Hayes, Scott
Sent: Wednesday, June 28, 2017 11:04 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>
Subject: RE: Vacating the rule on Agricultural Release Exemption

Sicy,

Just checking, do you have an anticipated timeframe for release of the guidance?

From: Jacob, Sicy
Sent: Thursday, May 18, 2017 12:26 PM
To: O'Donnell, Mary Jane <Odonnell.Maryjane@epa.gov>; Banner, Ellen <Banner.Ellen@epa.gov>; Dunn, Michael <dunn.michael@epa.gov>; Bookman, Alan <Alan.Bookman@dep.nj.gov>; Hans, Mick <hans.mick@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Hayes, Scott <Hayes.Scott@epa.gov>; Atencio, Kathie <Atencio.Kathie@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>
Cc: Wallace, Leonard <Wallace.Len@epa.gov>; Gilley, Anne <Gilley.anne@epa.gov>; pandya, perry <pandya.perry@epa.gov>; Gallagher, Theresa <gallagher.theresa@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; McNamara, Ruth <mcnamara.ruth@epa.gov>; Entzminger, James <entzminger.james@epa.gov>; Mason, Steve <mason.steve@epa.gov>; Reitz, Patricia <Reitz.Patricia@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>
Subject: Vacating the rule on Agricultural Release Exemption

Hi, Everyone: We are planning on developing some guidance for farms in the form of Qs & As and/or reporting forms as well as some suggestions for estimating releases. We understand that some states may already have developed guidance, forms or methodologies to estimate releases to help farms comply with release reporting requirements under CERCLA Section 103 and EPCRA Section 304.

We want to gather existing guidance or forms that farms are already familiar with so we can reference it in our guidance.

So if any of the states in your region have this information, please forward them to me. thanks

Victor: We got information from you. thanks.

If possible, can you please send me the information before or by May 31st. thanks

Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019

Message

From: Jacob, Sicy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6444719F31D44818AFB6BDD6369735BC-SJACOB]
Sent: 6/1/2017 1:26:05 PM
To: Jennings, Kim [Jennings.Kim@epa.gov]
CC: Principe, Vanessa [Principe.Vanessa@epa.gov]
Subject: FW: UEP's guidance - CAFO reporting
Attachments: UEP CERCLA EPCRA Guidance and Worksheets - May 5 2017 (002).pdf; Ag rule Fact Sheet 02-04-09c.pdf

Importance: High

Kim: I guess you will respond to Bill on our plans?? States are asking.

***Sicy Jacob
Chemical Engineer
Regulations Implementation Division
Office of Emergency Management
U.S. EPA, MailCode 5104A
1200 Pennsylvania Avenue, NW
Washington DC 20004
(202) 564-8019***

From: jones, bill
Sent: Thursday, June 01, 2017 9:14 AM
To: Jacob, Sicy <Jacob.Sicy@epa.gov>; Belke, Jim <Belke.Jim@epa.gov>
Cc: Jennings, Kim <Jennings.Kim@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Proboszcz, Angie <Proboszcz.Angie@EPA.GOV>
Subject: Fw: UEP's guidance - CAFO reporting
Importance: High

Just wanted to circle back with you and see if we any additional guidance/info we can provide at this point. Sorry about the short timeframe...I am not sure Brian contacted us the evening prior to their call with United Egg Producers.

Thanks.

Best,

Bill

Bill Jones
Emergency Prevention and Preparedness
Superfund Division
U.S. EPA Region 9
619-235-4776

From: Abeel, Brian@CalOES <Brian.Abeel@CalOES.ca.gov>
Sent: Wednesday, May 31, 2017 7:59 PM
To: Proboszcz, Angie; jones, bill; Lawrence, Kathryn
Cc: Collins, Larry@CalOES; Harrah, Jack@CalOES; Anderson, Trevor@CalOES
Subject: FW: UEP's guidance

Hello Kay, Angie, Bill,

Having a conference call with a consultant tomorrow assisting the United Egg Producers about the decision from the U.S. Court of Appeals for the D.C. Circuit (on April 11, 2017) vacating EPA's 2008 rule that exempted all farms from reporting under CERCLA and exempted all but large CAFOs from reporting under EPCRA.

The result of this decision requires animal farms to comply with the continuous release requirements as stipulated in 40 CFR 302.8 and 40 CFR 355.32.

Is there something from US EPA that addresses this decision? Has there been an announcement blast from US EPA to regulators and the regulated community about the decision?

Is there a US EPA fact sheet that reverses what is mentioned in the January 2009 US EPA Fact - "Rule Change Provides Exemptions from Reporting Requirements for Air Releases of Hazardous Substances from Farm Animal Waste"? (ATTACHED)

Brian

-----Original Message-----

From: Collins, Larry@CalOES
Sent: Wednesday, May 31, 2017 9:39 AM
To: Harrah, Jack@CalOES; Abeel, Brian@CalOES
Cc: Collins, Larry@CalOES
Subject: FW: UEP's guidance

Hi guys, check this out, if you haven't already seen it. It sounds like we need to be well-versed in this topic, as the reporting is going to start on June 2 and it's not clear (at least to me) what the exact reporting mechanism/flow should be.

Any thoughts on what will be the Best Practice that we can communicate to the industry and to others who inquire / have a need to know?

Larry

-----Original Message-----

From: Tad Bell [<mailto:tbell@veloconsulting.net>]
Sent: Thursday, May 25, 2017 3:32 PM
To: Collins, Larry@CalOES
Subject: UEP's guidance

Chief Collins:

This is what UEP is providing the industry. We'll leave it up to each ranch to do the emission estimation. You'll see they've developed a step-by-step guide to notification and reporting to the different fed, state and local bodies.

As I mention I'd like to use their template and provide specifics to the California egg ranchers.

I just got an email that the effective date re the court ruling - unless there's an USEPA filing - that notification needs to start happening June 2nd.

Your help here is appreciated,

With best regards,

Tad

Crime - Gerald - 302-542-8341

2017

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U.S. POULTRY & EGG ASSOCIATION

Poultry Industry

CERCLA Reporting Guide

Comprehensive Environmental Response,
Compensation and Liability Act (CERCLA) of
1980

PROVIDED BY:

U.S. POULTRY & EGG ASSOCIATION

1530 Cooleage Road Tucker, GA 30084

www.uspoultry.org

770.493.9401

NRC - CERCLA - EPCRA - REPORT © usg.mil

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Definitions & Background Information

Definitions

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Under CERCLA, also known as Superfund, Congress established an initial reportable quantity for various Superfund hazardous substances. The Environmental Protection Agency (EPA) also issued regulations to adjust these initial reportable quantities to more accurately reflect their potential to threaten public health and the environment. Under CERCLA, hazardous substances that exceed the reportable quantity require the owner to report to the federal, state, and local emergency planning entities.

Hazardous Substance in the Poultry Industry

Under CERCLA & EPCRA, poultry and egg producers are required to report if they emit more than 100 pounds of ammonia per day from their facility. Ammonia is emitted as a by-product of poultry litter.

Background Information As of June 2017

In 2004, USPOULTRY, National Turkey Federation and the National Chicken Council formally requested EPA to exempt poultry farms from the requirement to report the emission of ammonia under CERCLA and EPCRA. The request emphasized the belief that the CERCLA and EPCRA programs were never meant to cover the release of naturally occurring substance into the air that originates from the breakdown of animal waste. The request also pointed out that many emergency responders, particularly those responders from poultry production states, questioned the reasoning and need for poultry farmers to submit emission reports.

In December 2008, EPA agreed, in part, with the rationale behind the request and provided a partial exemption for the poultry industry as well as the other animal agriculture sectors from reporting under the CERCLA and EPCRA programs.

In 2015, Environmental groups petitioned to vacate the reporting exemption for CERCLA and the partial EPCRA reporting exemption which was ruled in favor and vacated in April 2017 by the U.S. Court of Appeals for the District of Columbia Circuit. Both reporting programs, CERCLA and EPCRA require notification of release of any hazardous substance, including ammonia and hydrogen sulfide.

CERCLA

Initially, EPA gave the poultry industry a full exemption under the CERCLA reporting program. The exemption applied to releases of ammonia into the air where the source of the emission comes from the natural breakdown of animal waste on the farm. Currently, the reporting exemption DOES NOT apply to farms, regardless of the number of bird raised on the farm, resulting in the person in charge of the facility to report to the National Response Center (NRC) whenever more than 100 pounds of ammonia is emitted per day from the facility.

Part 1: CERCLA Reporting Overview

CERCLA: Overview of how to File a Continuous Release Report

1. Initial Telephone Report to the National Response Center (NRC)

Call must be made as soon as you have a sufficient basis for establishing that the release is continuous and stable in quantity and rate.

After making the telephone report to NRC, you will be assigned a CR-ERNS number, which is assigned to you specifically.

NOTE: *Remember the CR-ERNS number assigned for each report that is made. This Number will not change and is used to track each report for the facility that is submitted to NRC.*

2. Initial Written Report

Must be submitted within 30 days of the initial phone call to NRC. Send one copy of the completed initial written report to the following:

- The EPA Regional Office for the region in which your facility is located

When submitting the initial written report, make sure to fill out the following sections of the form provided within this document.

- Section I -- General Information
- Section II -- Source Information

3. One Time Follow Up Report

Must be submitted to the appropriate EPA regional office (same office as Step 2) within 30 days of the first anniversary of the initial telephone report. Follow the same guidelines for writing the follow up report as seen in Step 2.

4. Change in Source Review

Conducted as needed

Preliminary Information Required Checklist

Make sure to find this information before conducting telephone and written reports

Contact Information

National Response Center	EPA Regional Office
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
NRC Contact: _____	EPA Contact: _____
NRC Telephone Number: _____	EPA Telephone Number: _____

Part 2: CERCLA Step by Step Instructions

CERCLA: Step 1 – Initial Telephone Report to National Response Center (NRC)

An initial call must be made to the NRC stating that you may be releasing ammonia in excess of 100 lbs.

Contact Information

National Response Center (NRC)	Toll-free telephone number: 1-800-424-8802
--------------------------------	--

Required Information

Make sure to provide the following information when providing telephone report to the NRC.

1. Identify your report as an "initial continuous release notification" under CERCLA Section 103(f)(2).
2. Identify the name and location of the facility responsible for the release. Address is not required – City/town and State is sufficient.
3. Identify hazardous substance released – In this case Ammonia

Example Phone Call

"Hello, my name is _____. I am calling to give an initial notification of continuous release of ammonia from a farm on which I have animal manure. I am reporting _____ this emission in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act. I want to clarify that this is a notification of a continuous release the house of the ammonia is the natural breakdown of animal manure. I want to clarify that I do not have an emergency. The following information is personal information subject to exemption number 6 under the Freedom of Information Act and is Confidential Business Information."

The name of my farm is: _____

My farm is located in: (Provide name of town/city and State)

Currently, I have no way of estimating my emissions but I may be exceeding the threshold of 100 pounds of ammonia per day."

Note: Ask for and record the CR-ERNS number the NRC assigns to your farm. Each additional call to the NRC will require the CR-ERNS number that was assigned to you during the first call. Make sure to provide the CR-ERNS number on the initial written report, the one-time 12-month follow up report and any time you contact the NRC after the initial telephone report.

Part 2: CERCLA Step by Step Instructions

CERCLA: Step 2 – Initial written report to EPA Regional Office

Must be submitted within 30 days of the initial phone call to the NRC.

Contact Information

The EPA Regional Office for the region in which your facility is located	You can find your EPA Regional office using the following link: https://www.epa.gov/aboutepa/visiting-regional-office Once the state is selected, your regional office information will load.
--	--

Required Information

Make sure to provide the following information for the following sections within your initial written report.

	Important Notes/Requirements
Section I General Information	Part A: Facility Information <ol style="list-style-type: none">1. Clearly identify the type of written report you are submitting (initial or follow up report)2. Include the information from the initial telephone report such as the date of the release, and the date of the initial call.3. Name of the facility, full address of the facility - including the street address and the latitude and longitude coordinates4. Name and phone number of the person in charge of the facility.5. Include the CR-ERNS number assigned to you by the NRC. NOTE: PUT THIS NUMBER EACH REPORT SUBMITTED!
	Part B: Population Information <ol style="list-style-type: none">1. Choose a population density within a one-mile radius of your facility2. Identify and describe the location of sensitive populations or ecosystems (hospitals, schools, wildlife refuges, wetlands)

Latitude and Longitude Information

Latitude and Longitude Information needed for your report can be obtained at the following web address: <http://www.satsig.net/maps/lat-long-finder.htm>

This information can also be obtained from the United States Geological Survey Topographic Map. The maps can be obtained from a USGS distribution center at your local library.

Map Contact: U.S. Geological Survey Branch of Distribution
PO Box 25286 Federal Center
Denver, CO 80225

Part 2: CERCLA Step by Step Instructions

	Important Notes/Requirements
Section II Source Information	Part A Identify the source of the release and state that the release is continuous and stable in quantity and rate. Part B Identify the environmental medium (in this case, air) affected by the hazardous substance release from the source. Part C Report information about the identity and quantity of the hazardous substances released from the source.

CERCLA: Step 3 – One Time Follow up written report to EPA

Must be submitted to the appropriate EPA regional office within 30 days of the first anniversary of the initial telephone report.

Contact Information

You will use the same EPA regional office used when submitting the initial written report in Step 2.

Required Information

You will submit the same information that you submitted in Step 2 when submitting the one time follow up report.

CERCLA: Step 4 – Change in Source Review

Conducted as needed

If there are any significant increases of emission on your farm, you will need to report this. A change of release information is treated like a “new release”. Therefore, the owner or operator of the facility must first make an initial telephone notification to the NRC to report the change. When calling to notify of the change, make sure to provide the original CR-ERNS number given to you by the NRC during the initial notification call.

The facility must then send a written report within 30 days of the initial phone call to the NRC. Finally, the owner or operator of the facility must submit the “Follow-up Report” to the appropriate EPA regional office within 30 days of the first anniversary of the written report.

On the reports, make sure to specify whether you are:

- Adding a new source(s)
- Deleting a source(s)
- Modifying the list of hazardous substances previously reported

Part 2: CERCLA Step by Step Instructions

Also ensure that you show the updated information by highlighting, check marking, or underlining to clearly identify the new or changed information.

An example of a significant increase in emission would be the addition of a new poultry house or acquiring a new farm. For best management practices keep an annual signed record that no significant increases have been made on your farm

[Name of Company]
CERCLA CONTINUOUS RELEASE REPORTING FORM

Today's Date: [Date]		Date of Initial Notification Call: [Date]		CR-ERNS #: [CR-ERNS Number]	
REPORTING INFORMATION					
Reporting Program:		CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act)			
Type of Report Submitting		<input checked="" type="radio"/> Initial Written Report <input type="radio"/> Follow up Report (ONLY FOR CERCLA USE) <small>*The follow up report must be submitted within 30 days of the first anniversary of the initial written report.</small>			
NATIONAL ENTITY TO BE CONTACTED					
National Response Center (NRC)		Contact Name: [Full Name]		Address: [Address/ P.O Box, City, ST ZIP Code]	
SECTION I: GENERAL INFORMATION					
Facility Information <i>Callahan William Edward JR</i>					
Farm Owner's Last Name: [Last Name]		<h1>Personal Address / Ex. 6</h1>			
Farm Address: [Address/ P.O Box, City, ST ZIP]					
Location of the Farm: Latitude: [Degrees]					
Population Information					
Range that most accurately describes population within one mile of your farm (Pick one from the drop down box):				Choose an item.	
To the best of your knowledge, are there any schools or daycare centers within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ¼ mile northwest): [Location] <i>No</i>		
To the best of your knowledge, are there any hospitals within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ¼ mile northwest): [Location] <i>No</i>		
To the best of your knowledge, are there any retirement communities within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ¼ mile northwest): [Location] <i>No</i>		
SECTION II: SOURCE INFORMATION					
Source Information		Poultry Grow-Out Houses - (Number of Houses) <i>1</i> Litter Storage Area <input checked="" type="radio"/> Yes <input type="radio"/> No <i>House Cap 21,300 Chick</i>			
Environmental Medium		Ammonia from poultry operations is generated from the natural breakdown of manure. The process is continuous and stable. The medium affected from ammonia generated during this breakdown is air.			
Identity and Quantity of Hazardous Substance:		Source and CASRN#: Ammonia - 7664-41-7 Although it is possible that I may be releasing more than the reporting threshold quantity of 100 pounds of ammonia per day, I do not have scientific equipment to measure how much I emit on a daily basis. A study titled "Tyson Broiler Ammonia Emission Monitoring Project" performed by Burns, et. al indicated that the average daily ammonia emission was roughly 31 lbs. / day per house. While this value may be appropriate for the specific farm studied, release from my farm may vary based on several factors, including the final age of the birds, on farm maintenance and atmospheric conditions. Based on these factors, I am making a good faith effort to submit this written notification under the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act.			
SECTION III: HAZARDOUS SUBSTANCE INFORMATION					
Although it is possible that I may be releasing more than the reporting threshold quantity of 100 pounds of ammonia per day, I do not have scientific equipment to measure how much I emit on a daily basis. Furthermore, there is no published estimation methodology that allows me to estimate total daily emissions that may come from the natural breakdown of manure on my farm. Based on these factors, I am making a good faith effort to submit this written notification under the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act.					
CERTIFICATION STATEMENT					
I certify that the hazardous substance release described herein is continuous and stable in quantity and rate under the definition in 40 CFR 302.8 (b) OR 355.32 and that all submitted information is accurate and current to the best of my knowledge.					
Print Name: <i>William Edward Callahan JR</i>		Position:			
Signature: <i>William E. Callahan Jr.</i>		Date: <i>11-19-17</i>			



This document was produced by the U.S. Poultry & Egg Association. The guidance provided in this document has not been approved or endorsed by the EPA or State regulatory agencies responsible for administering the CERCLA reporting program.

EPA Regional Offices

Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Vermont, Rhode Island)

EPA New England Headquarters
5 Post Office Square - Suite 100
Boston, MA 02109-3912

Region 2 (New Jersey, New York)

Main Regional Office
290 Broadway
New York, NY 10007-1866

✓ **Region 3 (Delaware, Maryland, Virginia, West Virginia, District of Columbia, Pennsylvania)**

US EPA Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

EPA Region 4
61 Forsyth Street SW
Atlanta, GA 30303

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

US EPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

EPA Region 6 Main Office
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Office
11201 Renner Blvd.
Lenexa, KS 66219

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

US EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Region 9 (California, Nevada, Arizona)

US EPA Pacific Southwest, Region 9
75 Hawthorne St.
San Francisco, CA 94105

Region 10 (Alaska, Idaho, Oregon, Washington)
EPA Region 10
1200 6th Ave.
Seattle, WA 98101

United States Senate

WASHINGTON, DC 20510

December 21, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We are a bipartisan group of Senators representing states where poultry farming is a key part of the economy. We are writing to share our constituents' serious questions and concerns about recent guidance promulgated by the Environmental Protection Agency (EPA). This guidance seeks to implement an April 2017 ruling by the U.S. Court of Appeals for the District of Columbia (*Waterkeeper Alliance v. EPA*) regarding the duty of livestock producers to report air emissions from their facilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). In our view, this guidance is woefully inadequate and unclear; the EPA must take immediate action to clarify the types of farming operations to which it applies and to simplify the reporting procedure for any farms that must use it.

On April 11, 2017, the D.C. Circuit Court vacated a 2008 EPA rule that exempted most farms from certain release reporting requirements under two statutes, CERCLA and the Emergency Planning and Community Right to Know Act. Following two requests from the Administration, the D.C. Circuit Court extended the effective date of its decision to January 22, 2018.^[1]

With five weeks remaining before the new effective date, farmers in our states are asking us urgent questions and raising serious concerns about the applicability of the new reporting requirements and the recently issued guidance. Some are unaware of the guidance that your agency has already prepared, while others are frankly stating that they find it to be unclear and unhelpful. Many have expressed frustration trying to navigate a new process with which they have previously had no experience. Quite simply, our constituents deserve better. The EPA must take additional efforts to communicate with farmers on this matter including how to identify, measure, or calculate emissions to determine whether an operation is subject to reporting requirements.

With these concerns in mind, we ask that you review and respond to the following questions, and that you brief our offices on the matter within the next three weeks:


^[1] <https://www.epa.gov/newsreleases/dc-circuit-court-grants-trump-epa-request-extend-deadline-farmers-report-emissions>


1. How are you working with farmers and others in the regulated community to help them identify whether they are subject to any new reporting requirements? In light of the D.C. Circuit's ruling more than eight months ago, do you expect to take any further administrative action to clarify the size or levels of emissions produced by farming operations that might be covered by these requirements? Do you anticipate further requesting a delay in the compliance deadline in order to do so?
2. What other federal, state, and local partners are you working with to assist farmers in understanding any new reporting obligations? How are you working with the United States Department of Agriculture in this regard?
3. As we mentioned, some of our constituents have expressed to us that the current reporting process and methodology is confusing. What steps are you taking to simplify your guidance and streamline the reporting process?
4. For farmers who may have limited access to the internet, what steps are you taking to assist these individuals in meeting any new reporting requirements? For those that do have such access, what steps are you taking to simplify reporting?


Our farmers care deeply about the environment and pride themselves on being good stewards of their land. We look forward to working with you to ensure that they have the resources they need to adequately understand and determine if they must comply with the EPA's requirements, and we await your prompt response to our information and briefing requests.

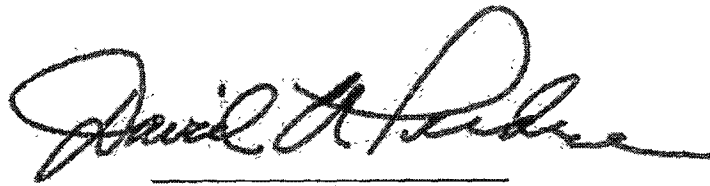
For any questions regarding this request, please contact Brian Papp with Senator Carper at 202-224-5042, Leah Rubin Shen with Senator Coons at 202-224-2441, or Jack Overstreet with Senator Isakson at 202-224-3643.

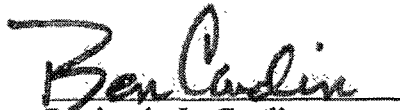
Sincerely,

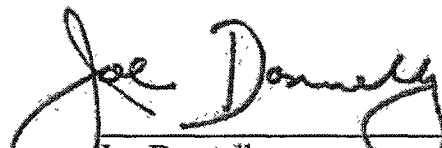

Thomas R. Carper
U.S. Senator

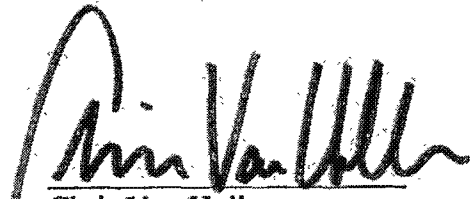

Christopher A. Coons
U.S. Senator

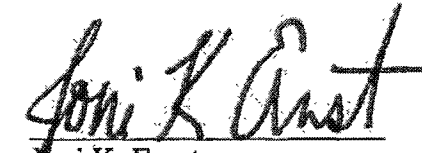

Johnny Isakson
U.S. Senator



David A. Perdue
U.S. Senator



Benjamin L. Cardin
U.S. Senator

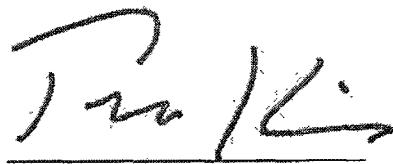

Joe Donnelly
U.S. Senator


Chris Van Hollen
U.S. Senator


Joni K. Ernst
U.S. Senator


Mark R. Warner
U.S. Senator


Roger F. Wicker
U.S. Senator


Tim Kaine
U.S. Senator

CC: The Honorable Sonny Perdue
Secretary
United States Department of Agriculture

Message

From: Harwood, Jackie [Harwood.Jackie@epa.gov]
Sent: 11/27/2017 5:18:07 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: RE: OLEM Response RE: Congressional Inquiry RE: CERCLA/EPCRA guidance



Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Monday, November 27, 2017 12:17 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: OLEM Response RE: Congressional Inquiry RE: CERCLA/EPCRA guidance

Are you kidding me? Awesome sauce!! Thank you.

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Harwood, Jackie
Sent: Monday, November 27, 2017 12:16 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: OLEM Response RE: Congressional Inquiry RE: CERCLA/EPCRA guidance

Q: For farmers that have filed the required initial report, do they have to do the written report within 30 days as was required once they did the initial and got a case number assigned?

A: Those farmers who have already made their initial continuous release notification should wait to submit the written report until the DC Circuit Court of Appeals issues its order, or mandate, enforcing the Court's opinion of April 11, 2017. Within 30 days of the court mandate, the farmer must submit a written report to the EPA regional office. No additional call or email to the NRC is required.

Jackie Harwood

OLEM Congressional, State, and Local Liaison
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Monday, November 27, 2017 11:42 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Congressional Inquiry RE: CERCLA/EPACRA guidance

SEPW minority staff



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Harwood, Jackie
Sent: Monday, November 27, 2017 11:41 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: Congressional Inquiry RE: CERCLA/EPACRA guidance

Sure – who is asking this question?

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Monday, November 27, 2017 9:47 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: Congressional Inquiry RE: CERCLA/EPACRA guidance

Good morning Jackie,

Hope you had a great Thanksgiving. Can you get a response to the hill staff inquiry. Thanks.
=====

For farmers that have filed the required initial report, do they have to do the written report within 30 days as was required once they did the initial and got a case number assigned?



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Harwood, Jackie [Harwood.Jackie@epa.gov]
Sent: 10/16/2017 12:57:22 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: CERCLA/EPCRA on Hold for now

Hi Pamela – See below re: CERCLA/EPCRA announcement. It looks like sometimes Carolyn hears about things before I do, so you probably already know about this. ☺

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Taylor, Trish
Sent: Monday, October 16, 2017 8:47 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Liz -- press release for approval -- needs to go today ..thanks ng

FYSA. Please share w/ OCIR

From: Grantham, Nancy
Sent: Monday, October 16, 2017 8:11 AM
To: Taylor, Trish <Taylor.Trish@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: FW: Liz -- press release for approval -- needs to go today ..thanks ng

See below – please hold until we get back to you.

Also, we provided Liz with the targeted list of outlets you provided.

Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Bowman, Liz
Sent: Monday, October 16, 2017 8:07 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Liz -- press release for approval -- needs to go today ..thanks ng

Thanks for flagging – they need to hold on this for now – and we also want to see the targeted list of outlets.

From: Grantham, Nancy
Sent: Monday, October 16, 2017 7:45 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Liz -- press release for approval -- needs to go today ..thanks ng

Liz,

See below – I think trish taylor shared with you previously – this needs to go today as farmers will need to start meeting reporting requirements on November 15th, so we want to give them a month's notice to begin complying.

Short press release is at the bottom of this email – will be targeted to agri-focused outlets only.

Ok to go out? We need to time congressional notification this morning before the release goes out.

Thanks ng

KEY MESSAGES

- EPA is releasing guidance to assist farmers in estimating their air releases and meeting reporting requirements for air releases of hazardous substances from animal waste at farms.
- EPA intends to make this information available to farmers by October 16, 2017, to provide time for farmers to review and comply with the reporting requirements.
- Farmers are required to begin reporting emissions of hazardous substances from animal waste on November 15, 2017.

Background: On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. This final rule applied to:

- Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and
- Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), if the farms stable or confine fewer than a certain number of animals.

On April 11, 2017, the DC Circuit Court vacated this final rule.

In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this

date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than their reportable quantities within any 24-hour period must provide notification of such releases.

DRAFT

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

10/16/2017

Contact Information: XXXX
(press@epa.gov)

WASHINGTON – Today, EPA is releasing guidance to assist farmers in estimating and reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting deadline of November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Starting on this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must provide notification of such releases.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste: [placeholder for web address]

###

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: EPA Press Office [noreply-subscriptions@epa.gov]
Sent: 10/26/2017 3:06:14 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

CONTACT: press@epa.gov

EPA Releases Guidance on Reporting Air Emissions of Hazardous Substances from Animal Waste at Farms

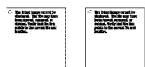
WASHINGTON (October 25, 2017) — Today, EPA is releasing guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting deadline, currently set for November 15, 2017.

“EPA is working diligently to address undue regulatory burden on American farmers,” **said Administrator Scott Pruitt**. “While we continue to examine our options for reporting requirements for emissions from animal waste, EPA’s guidance is designed to help farmers comply with the current requirements.”

On December 18, 2008, EPA published a final rule that exempted farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date by which farms must begin reporting these releases to November 15, 2017. Unless the court further delays this date, all farms (including those previously exempted) that have releases of hazardous substances to air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must provide notification of such releases.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA’s guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>.

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017.



Visit the EPA's
Newsroom

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

From: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Sent: 10/26/2017 12:05:37 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: RE: EPCRA CERCLA Ag Guidance is now available

Happy to help. Have a great day.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

[Follow OLEM on Twitter @EPALand](#)

From: Janifer, Pamela
Sent: Wednesday, October 25, 2017 10:05 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>
Cc: Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: EPCRA CERCLA Ag Guidance is now available

Thank you Patricia,



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Gioffre, Patricia

Sent: Wednesday, October 25, 2017 9:30 PM

To: Swenson, Erik <Swenson.Erik@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Jacob, Sicy <Jacob.Sicy@epa.gov>; Franklin, Kathy <Franklin.Kathy@epa.gov>; Bosecker, Elizabeth <Bosecker.Elizabeth@epa.gov>; Principe, Vanessa <Principe.Vanessa@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Hull, George <Hull.George@epa.gov>; Beaman, Joe <Beaman.Joe@epa.gov>; Cooperstein, Sharon <Cooperstein.Sharon@epa.gov>; Dunkins, Robin <Dunkins.Robin@epa.gov>; Costa, Allison <Costa.Allison@epa.gov>; Schrock, Bill <Schrock.Bill@epa.gov>

Cc: Clark, Becki <Clark.Beki@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Gerardin, Margaret <Gerardin.Margaret@epa.gov>; Mayer, Eileen <Mayer.Eileen@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: EPCRA CERCLA Ag Guidance is now available

Importance: High

I am pleased to announce that the EPCRA/CERCLA ag guidance is live on the EPA website. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste, see: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Thank you all for your assistance developing this guidance and for your support through the interagency review process. It was a lot of work and we couldn't have done it without your expertise!

Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 2/23/2018 7:29:06 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]
Subject: RE: Sen. Moran Inquiry RE: EPCRA reporting requirements

Hi Jackie,

I have not heard anything specific but we can certainly handle as a call and not written, once the messaging is worked out. We will hold and let the political team work things out,.

Thanks.

*Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov*

From: Harwood, Jackie
Sent: Friday, February 23, 2018 12:29 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Sen. Moran Inquiry RE: EPCRA reporting requirements

Hi Pamela and Carolyn,

Wanted to let you know in case you haven't heard yet, but Hema called me and said the response to this inquiry is on hold for now while the Ag Advisor and OCIR leadership work through the messaging on this. She also said that the response may be in a phone call instead of a written response.

Have you heard anything different from that?

Thanks!
Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Friday, February 16, 2018 2:07 PM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Sen. Moran Inquiry RE: EPCRA reporting requirements

Sounds good. Thanks.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Harwood, Jackie
Sent: Friday, February 16, 2018 2:06 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Sen. Moran Inquiry RE: EPCRA reporting requirements

Hi Pamela,

I'll work with OLEM and OGC to get you a response on this. I'll have to run it by Barry Breen before I send it to you.

Thanks!
Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCPA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

From: Janifer, Pamela
Sent: Friday, February 16, 2018 12:37 PM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Cc: Sands, Jeffrey <sands.jeffrey@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>
Subject: Sen. Moran Inquiry RE: EPCRA reporting requirements

Sen. Moran staffer has a couple questions on EPCRA reporting for livestock producers. Sen. Moran is a cosponsor of the Fischer bill exempting animal waste from CERCLA that was introduced on Tuesday. Please see staffer comments and questions below. Can we get a response early next week? Thanks.

1. Can you provide more details on what EPA is doing to exempt livestock producers from EPCRA requirements?
2. Does EPA believe that congressional action is not required in regards to providing an exemption from EPCRA?

A handwritten signature in cursive script that reads "Pamela".

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 2/22/2018 10:01:14 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
CC: Levine, Carolyn [Levine.Carolyn@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: EPCRA reporting requirements

Thanks Pamela. I just spoke to Jeff today about this, but didn't know if you had anything further from the call.

I'll speak to Byron and Jeff to figure out the response.

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
202.306.4656

Sent from my iPhone

On Feb 22, 2018, at 4:58 PM, Janifer, Pamela <Janifer.Pamela@epa.gov> wrote:

I don't have anything to share. During the call the other day Barry Breen mentioned he wanted to discuss response and legislative with you and Aaron. It was part of the convo Jeff & Byron wanted to talk about.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Feb 22, 2018, at 4:53 PM, Palich, Christian <palich.christian@epa.gov> wrote:

Any thing we can give for feedback to Judd on his request? Sounds like he knows already about the Rulemaking we are working on, I hadn't told him.

Thanks!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
202.306.4656

Sent from my iPhone

Begin forwarded message:

From: "Gardner, Judd (Moran)" <Judd_Gardner@moran.senate.gov>
Date: February 22, 2018 at 4:19:47 PM EST
To: "Palich, Christian" <palich.christian@epa.gov>
Cc: "Frye, Tony (Robert)" <frye.robert@epa.gov>
Subject: Re: EPCRA reporting requirements

Christian, I just wanted to circle back on the questions on EPCRA. I have heard EPA has guidance on EPCRA reporting requirements and may be working on rule making that would exempt all animal feeding operations, including the largest.

We have a hearing on the Senate CERCLA bill next week, so hoping to have a few more details before then.

On Feb 16, 2018, at 10:07 AM, Palich, Christian
<palich.christian@epa.gov> wrote:

Hi Judd,

Let me work on tracking some answers down for you on this. Will follow up ASAP.

Have a great day,

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
202.306.4656

Sent from my iPhone

On Feb 15, 2018, at 6:06 PM, Gardner, Judd (Moran)
<Judd_Gardner@moran.senate.gov> wrote:

Christian, I have a couple questions on EPCRA reporting requirements for livestock producers. My boss is a cosponsor of the Fischer bill exempting animal waste from CERCLA that was introduced yesterday.

I believe EPA may have more authority to administratively address the issue under EPCRA as compared to CERCLA, which is part of the reason the Fischer bill does not extend to EPCRA.

Can you provide more details on what EPA is doing to exempt livestock producers from EPCRA requirements? Does EPA believe that congressional action is not required in regards to providing an exemption from EPCRA?

Feel free to direct me to the best person at EPA to reach out to about the issue. Thanks for your help.

Judd
202-228-6968

Judd Gardner
Agriculture Legislative Assistant

U.S. Senator Jerry Moran, Kansas
521 Dirksen Senate Office Building
Phone (202) 224-6521 | Fax (202) 228-6966

Message

From: Levine, Carolyn [Levine.Carolyn@epa.gov]
Sent: 2/21/2018 5:58:48 PM
To: Palich, Christian [palich.christian@epa.gov]; Janifer, Pamela [Janifer.Pamela@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]
CC: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: EPCRA reporting requirements

Thanks Christian. I understand that Byron also asked for an update because he'd heard that the bill might be incorporated with approps. He will be calling Troy to request OCIR management participation/updates on these weekly calls for updates on legislative activity. Perhaps the meeting agenda can dedicated 5-10 minutes at the beginning of the call for any legislative updates....

*Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov*

From: Palich, Christian
Sent: Wednesday, February 21, 2018 11:23 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: EPCRA reporting requirements

Thanks Carolyn and Pamela, happy to catch up with Jeff on this later.

Christian R. Palich
*Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S. Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov*

From: Levine, Carolyn
Sent: Wednesday, February 21, 2018 10:46 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: RE: EPCRA reporting requirements

All are in meeting now, but no specific plan/schedule/progress as of now, other than bill finally introduced. Adding Tony, he and Christian can discuss w Jeff etc. later.

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859.
levine.carolyn@epa.gov

From: Janifer, Pamela
Sent: Wednesday, February 21, 2018 10:37 AM
To: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: EPCRA reporting requirements

I'm on an update call. Barry Breen, Byron Brown, et. al inquired about status of Sen. Fischer CERCLA bill movement, progress and outlook. Jeff Sands indicates he will be reaching out to you both to discuss. They also want to discuss how we will respond to the questions raised by Sen. Moran.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

=====
Begin forwarded message:

From: "Gardner, Judd (Moran)" <Judd_Gardner@moran.senate.gov>
Date: February 15, 2018 at 6:06:31 PM EST
To: "palich.christian@epa.gov" <palich.christian@epa.gov>
Subject: EPCRA reporting requirements

Christian, I have a couple questions on EPCRA reporting requirements for livestock producers. My boss is a cosponsor of the Fischer bill exempting animal waste from CERCLA that was introduced yesterday.

Deliberative Process / Ex. 5

Can you provide more details on what EPA is doing to exempt livestock producers from EPCRA requirements? Does EPA believe that congressional action is not required in regards to providing an exemption from EPCRA?

Feel free to direct me to the best person at EPA to reach out to about the issue. Thanks for your help.

Judd

202-228-6968

Judd Gardner

Agriculture Legislative Assistant

U.S. Senator Jerry Moran, Kansas

521 Dirksen Senate Office Building

Phone (202) 224-6521 | Fax (202) 228-6966

Message

From: Palich, Christian [palich.christian@epa.gov]
Sent: 2/16/2018 4:34:07 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
CC: Levine, Carolyn [Levine.Carolyn@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: Re: EPCRA reporting requirements

Fantastic. Thank you!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
202.306.4656

Sent from my iPhone

On Feb 16, 2018, at 11:28 AM, Janifer, Pamela <Janifer.Pamela@epa.gov> wrote:

Christian,

I'll check in with OLEM and OGC and get back with staffer.

<image002.png>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Palich, Christian
Sent: Friday, February 16, 2018 11:09 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: Fwd: EPCRA reporting requirements

Hi Pamela & Carolyn,

Any thoughts on below from Senator Moran's staff? Thank you!

Christian R. Palich
Deputy Associate Administrator
Congressional & Intergovernmental Relations
202.306.4656

Sent from my iPhone

Begin forwarded message:

From: "Gardner, Judd (Moran)" <Judd_Gardner@moran.senate.gov>

Date: February 15, 2018 at 6:06:31 PM EST

To: "palich.christian@epa.gov" <palich.christian@epa.gov>

Subject: EPCRA reporting requirements

Christian, I have a couple questions on EPCRA reporting requirements for livestock producers. My boss is a cosponsor of the Fischer bill exempting animal waste from CERCLA that was introduced yesterday.

I believe EPA may have more authority to administratively address the issue under EPCRA as compared to CERCLA, which is part of the reason the Fischer bill does not extend to EPCRA.

Can you provide more details on what EPA is doing to exempt livestock producers from EPCRA requirements? Does EPA believe that congressional action is not required in regards to providing an exemption from EPCRA?

Feel free to direct me to the best person at EPA to reach out to about the issue. Thanks for your help.

Judd
202-228-6968

Judd Gardner
Agriculture Legislative Assistant
U.S. Senator Jerry Moran, Kansas
521 Dirksen Senate Office Building
Phone (202) 224-6521 | Fax (202) 228-6966

Message

From: Jennings, Kim [Jennings.Kim@epa.gov]
Sent: 1/16/2018 6:50:39 PM
To: Janifer, Pamela [Janifer.Pamela@epa.gov]
CC: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: RE: Sen. Leahy Question RE: Air Emissions Reporting

There is no requirement for a farm owner or operator to "monitor" their releases. A farm owners/operators may establish estimated quantities of releases by relying on: past release data, engineering estimates, your knowledge of the facility's operations and release history, or your best professional judgment. Monitoring data is not required, therefore, no specific equipment or technology is required to be purchased by the farmer or provided by EPA.

Let me know if you have additional questions.

Thanks,
Kim

Kim Jennings
Division Director || Regulations Implementation Division
U.S. Environmental Protection Agency || Office of Emergency Management
E-mail: jennings.kim@epa.gov || Desk: (202) 564-7998 ||

From: Janifer, Pamela
Sent: Tuesday, January 16, 2018 12:27 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Subject: Sen. Leahy Question RE: Air Emissions Reporting

I believe you may have a similar Q/A, but want to make sure the question is recorded from Senator Leahy.

Will the guidance require a farm to have to purchase particular equipment or technology for monitoring, or is the equipment something the EPA will have to supply?



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 12/27/2017 1:54:52 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
CC: Richardson, RobinH [Richardson.RobinH@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: Re: Important: epcra/cercla proposed comms strat for farms -- from region 8

Thank you.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Dec 27, 2017, at 8:46 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

Fyi

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Wednesday, December 27, 2017 8:44 AM
To: Cheatham, Reggie <cheatham.reggie@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Thomas, Latosha <Thomas.Latosha@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Important: epcra/cercla proposed comms strat for farms -- from region 8

All .. please see below from region 8. I have shared with the ag advisor here – Jeff Sands – and the AA for public engagement – Tate Bennett.

As mentioned below, wondering, if this gets concurrence from them and from OLEM/OEM – why wouldn't we do this for the whole country?

Also, see the highlighted question re: outreach push not beginning until January 22.

I have a call with region 8 PAD at 12:30 est today – can someone from olem/oem join me?

Thanks ng

Nancy Grantham

**Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)**

From: Grantham, Nancy
Sent: Wednesday, December 27, 2017 8:38 AM
To: Sands, Jeffrey <sands.jeffrey@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>
Subject: Important: epkra/cercla proposed comms strat for farms -- from region 8

Hi Tate and Jeff,

Please see below a proposed comms strat for the upcoming epkra/cercla January 22 action.

I have reviewed it and will be discussing with the region 8 public affairs director later this morning.

My main question would be – why only for region 8? Kudos to their ag advisor, Rebecca Perrin, for taking the initiative, however wouldn't we want to do it for all of the regions?

Also, it needs you review and concurrence, as well as that of the program office in OLEM – so I will be sending to them for review as well.

Please let me know if you have comments/concerns/edits - and whether you would like to discuss further.

Thanks ng

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From: Perrin, Rebecca
Sent: Friday, December 22, 2017 9:36 AM
To: Mutter, Andrew <mutter.andrew@epa.gov>
Cc: Atencio, Kathie <Atencio.Kathie@epa.gov>; Nguyen, Danny <nguyen.danny@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; McClain-Vanderpool, Lisa <Mcclain-Vanderpool.Lisa@epa.gov>; Ostendorf, Jody <ostendorf.jody@epa.gov>; Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: Proposed ComStrat on EPCRA/CERCLA for R8 Farms
Importance: High

Andrew,

Below is the R8 plan, based upon feedback from some stakeholders. We are still reaching out to regional opinion leaders but I feel comfortable with the response we have gotten so far to this idea of Regional outreach.

Let us know which parts of this you feel you need to share with HQ and which parts we can do on our own. Other regions are interested in potentially using what we develop and sharing it with their stakeholders too. ☺

Big ticket items I need your help on:

- Question - Why is the outreach push for Jan 22 and not earlier? This will irritate the agricultural community.
- Ag Website – needs to have a clear box or link to the CERCLA guidance for PSA to work. Radio PSA is the BEST way to reach producers in R8.

Thanks!

Rebecca Perrin

Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA

1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Region 8 EPCRA/CERCLA Proposed ComStrat for Farms:

Regional Administrator Doug Benevento has instructed his staff to provide outreach to farmers in Region 8 about the upcoming Jan 22, 2018 deadline and HQ resources to help them determine if their operation is required to report. Region 8's Preparedness Unit, Office of Communication and Public Involvement and the Regional Agriculture Advisor came up with the following proposal to address this request.

Public Service Announcement:

- **WHAT:** Region 8 will create a 30 second PSA and send the audio to radio stations that farmers commonly listen to in R8.
- **WHY:** Not all producers are members of state or national ag associations and may not be aware of this new requirement.
- **WHEN:** Early January. This was recommended to us by a few cattle associations in R8 as producers will be frustrated if they have a short time to make a decision before the deadline.
- **LENGTH OF TIME:** 30 days
- **PSA SCRIPT:**
 - This draft script is reflective of discussions with R8 department of agriculture communication directors and assorted cattle agriculture associations in Region 8.
 - While our website says farms, this was viewed as confusing as many ranchers do not consider their operations to be "farms". The word "farm" is associated with row crops in R8. We chose livestock producers because that will cause anyone with animals to pay attention and follow-up to see if this applies to them.
 - Script (35 seconds):
 - *Starting January 22nd, many livestock producers across the United States will be required to report air releases from animal waste to the U.S. Environmental Protection Agency.*
 - *EPA had exempted most farms from this requirement under the EPCRA and CERCLA laws but due to a recent lawsuit, the courts eliminated this exemption.*
 - *EPA has tools to help livestock producers determine if this requirement applies to their operation and help them comply with the law.*

- To learn more visit epa.gov/agriculture or call 1-800-424-9346.

- **EXTERNAL NOTIFICATION:**

- Prior to releasing the audio to the radio stations, R8 will notify various state departments, congressional staff and state animal ag associations, as they WILL experience an increase in phone calls.
- Some states and cattle associations requested receiving a “Tool Kit” with key information they can relay to their producers to help address simple questions and contacts for where to send them for the more complicated questions. See Tool Kit below for more detail.

Website:

- **BENEFIT:** Use of www.epa.gov/agriculture will help us to advertise this website that contains useful information for producers related to a variety of EPA programs and regulations.
- **PROBLEM:**
 - Current website for the EPCRA/CERCLA guidance is too long for a 30 second PSA.
 - Currently this info is the top line item under “Hot Topic” but it needs to be more obvious. Need permission to create something. It would be temporary.
- **SOLUTION:** Create a box or something very obvious at the top of the screen that will help producers know where to click to get to the EPCRA/CERCLA guidance for 90 days. The “owner” of this page is open to doing this but this would not fit within our website guidance so an exception would need to be made.

Tool Kit:

- **WHAT:** Provide states, and animal agriculture associations with materials to help them to spread the word about this requirement. Specifically:
 - Facebook post language
 - Tweet language
 - Short article they can include in their newsletters to members. 1 paragraph.
 - 1 page “cheat sheet” (using same wording as website guidance) with FAQs and links to get specific info for the most common questions they may receive.
 - `<!--[if !supportLists]--><!--[endif]-->` Create a Widget <https://www.epa.gov/enviro/widgets> we can share with states and ag associations that they can put on their websites temporarily to direct people to our Guidance website from their website.
- **WHY:** Any outreach we do will lead to increased traffic for other organizations but many ag organizations do not have the staff capacity to handle this increase in traffic or be able to create these tools. Associations we have spoken with want to make sure they help their members be in compliance and having these ‘tool’ will help them to achieve that.
- **WHEN:** This “tool kit” needs to be provided prior to PSA being released. This will allow associations and the state to use their channels of communication in a coordinated fashion to reach producers.

Video on how to fill out the Continuous Release form for farms:

- After the continuous release (or 30 day report) is final, R8 will record a short video on how to complete this form.
- This video will be put on EPA’s YouTube channel and the link will be provided to R8 state departments of agriculture, state animal ag associations, and state emergency management departments.
- Region 8 will do a live webinar regarding how to complete the forms with time for Q&A. Invitees: R8 environmental ag engineering firms, states and ag association who may provide assistance to R8 farms.

Keeping regional stakeholders informed:

- R8 Agriculture Advisor will continue to send updates to the R8 Ag listserv on outreach efforts and changes to the guidance website.
- R8 Congressional Liaison will send short email notification to all R8 congressional on outreach efforts and changes to the guidance website.
- R8 Preparedness Unit will continue to update the state emergency managers on outreach efforts and changes to the guidance website.

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/20/2017 7:04:02 PM
To: Gillam, Laura Haynes (EPW) [Laura_Gillam@epw.senate.gov]
Subject: RE: CERCLA/EPCRA emissions

I hope the below is helpful. Please let me know if you have additional questions.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Monday, November 20, 2017 12:02 PM
To: Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Subject: CERCLA/EPCRA emissions

Laura,

Following are responses to what have been the top questions EPA has received on the emissions issue. Please let me know if you have specific questions. Thanks.

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source (upper and lower bounds), and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Is there a density requirement or just as noted in the CAFO table of small, medium, and large.

A: The CERCLA and EPCRA reporting requirements apply to all facilities that have releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period.

Any sort of enforcement action or educational aspects?

A: EPA has developed a website to provide compliance assistance to farmers <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> and continues to provide outreach with state and industry agricultural stakeholders. Furthermore, EPA plans to update the website with additional information to respond to questions and concerns raised by our stakeholders. EPA is also working to develop a streamlined continuous release reporting form for farmers and will make that available once it is completed.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Davis, Matthew
Sent: Monday, November 20, 2017 11:37 AM
To: Gillam, Laura Haynes (EPW) <Laura_Gillam@epw.senate.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Background on PVC MACT

Hi Laura,
I'll get in touch with our technical folks about your PVC MACT question. On the CERCLA emissions reporting requirements, Pamela Janifer on Carolyn's team is working on that (both cc'ed), so I'll let them handle that one.
Thanks,
Matthew

From: Gillam, Laura Haynes (EPW) [mailto:Laura_Gillam@epw.senate.gov]
Sent: Monday, November 20, 2017 11:06 AM
To: Davis, Matthew <Davis.Matthew@epa.gov>
Subject: Background on PVC MACT

Hi Matthew,
I'm getting conflicting information about the status of the PVC MACT and the website is not clear. Our state also seems to be confused about where things are so would love to talk to technical folks to get an update on the status.

Also, we are getting inquiries from our chicken farmers about the CERCLA ammonia emissions reporting requirements. I know this isn't the air shop, but can you point me to the right person that could help us get more information? Thank you!!

And Happy Thanksgiving!

Laura Haynes Gillam
Senior Policy Advisor for Clean Air and Climate
U.S. Senate Committee on Environment and Public Works, Minority
laura_gillam@epw.senate.gov
202-224-8832

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/15/2017 8:55:36 PM
To: Ostendorf, Jody [ostendorf.jody@epa.gov]
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

You're welcome.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
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Janifer.pamela@epa.gov

From: Ostendorf, Jody
Sent: Wednesday, November 15, 2017 3:48 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Thank you Pamela!

Best,

Jody

Jody Ostendorf
Congressional and Intergovernmental Liaison
Office of Communications and Public Involvement
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
303.312.7814

Twitter: [@EPARegion8](https://twitter.com/EPARegion8)
Facebook: [U.S. EPA Region 8](https://www.facebook.com/US.EPA.Region8)
Webpage: [EPA Region 8 \(Mountains and Plains\)](https://www.epa.gov/region8)

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 1:47 PM
To: Ostendorf, Jody <ostendorf.jody@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Jody,

These are the final responses.

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Is there a density requirement or just as noted in the CAFO table of small, medium, and large.

A: The CERCLA and EPCRA reporting requirements apply to all facilities that have releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period.

Any sort of enforcement action or educational aspects?

A: EPA has developed a website to provide compliance assistance to farmers <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> and continues to provide outreach with state and industry agricultural stakeholders. Furthermore, EPA plans to update the website with additional information to respond to questions and concerns raised by our stakeholders. EPA is also working to develop a streamlined continuous release reporting form for farmers and will make that available once it is completed



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela

Sent: Wednesday, November 15, 2017 3:37 PM

To: Ostendorf, Jody <ostendorf.jody@epa.gov>

Subject: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Importance: High

These responses have been cleared by OLEM & OGC. As I mentioned, still waiting on language on Q3. Stay tuned.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source (upper and lower bounds), and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Is there a density requirement or just as noted in the CAFO table of small, medium, and large.

A: The CERCLA and EPCRA reporting requirements apply to all facilities that have releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period.

Any sort of enforcement action or educational aspects? [NEED OECA INPUT]

A: EPA has developed a website to provide compliance assistance to farmers <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> and continues to provide outreach with state and industry agricultural stakeholders. Furthermore, EPA plans to update the website with additional information to respond to questions and concerns raised by our stakeholders. EPA is also working to develop a streamlined continuous release reporting form for farmers and will make that available once it is completed.

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/15/2017 8:23:39 PM
To: Lewis, Jen [Lewis.Jen@epa.gov]
Subject: Re: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Ok. Thanks.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 15, 2017, at 3:23 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

No, leave that to OECA and OEM.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 3:23 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Subject: Re: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Jen, does OGC want to provide additional language to enforcement action or educational aspects question?

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 15, 2017, at 3:16 PM, Lewis, Jen <Lewis.Jen@epa.gov> wrote:

OGC has one modification (to the response we drafted):

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source (~~upper and lower bounds~~), and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

We struck this language b/c "upper and lower bounds" only applies to continuous release reports.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Gioffre, Patricia
Sent: Wednesday, November 15, 2017 3:05 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested
Importance: High

I have drafted some responses below based on information (using information provided by OGC, as available). I've copied OGC to get their concurrence on these responses. I have also included OECA to provide a response on the enforcement question. I added some outreach information to it.

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source (upper and lower bounds), and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Is there a density requirement or just as noted in the CAFO table of small, medium, and large.

A: The CERCLA and EPCRA reporting requirements apply to all facilities that have releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period.

Any sort of enforcement action or educational aspects? [NEED OECA INPUT]

A: EPA has developed a website to provide compliance assistance to farmers <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> and continues to provide outreach with state and industry agricultural stakeholders. Furthermore, EPA plans to update the website with additional information to respond to questions and concerns raised by our stakeholders. EPA is also working to develop a streamlined continuous release reporting form for farmers and will make that available once it is completed.

Let me know if these responses are OK.
Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 2:41 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

All –

I just heard from staffer and I'm being told Rep. Yoho may give a call to the Administrator. Any chance I can get a response to the questions to the staffer soon?

Thanks

<image001.png>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 12:31 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Here are all the questions from staffer:

- <!--[if !supportLists]--><!--[endif]-->Does this apply to grass-fed operations?
- <!--[if !supportLists]--><!--[endif]-->Is there a density requirement or just as noted in the CAFO table of small, medium, and large.
- <!--[if !supportLists]--><!--[endif]-->Any sort of enforcement action or educational aspects?

Thanks for your help.

<image002.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Cohen, Nancy
Sent: Wednesday, November 15, 2017 12:28 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

+ Patty

Thanks, nancy

Nancy Cohen
U.S. EPA OLEM
202.566.0171

From: Cohen, Nancy
Sent: Wednesday, November 15, 2017 10:30 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Reggie/Becki: in Kim's absence, who do you recommend we reach out to about a congressional inquiry on EPCRA/CERCLA guidance?

Thanks, nancy aka 0171

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 9:40 AM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Good morning Nancy,

I see Kim is out of the office. Is there someone that can answer the question below. I looked at the revised website information and question will not be answered with the update. Can you help? Thank you.

<image003.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Tuesday, November 14, 2017 5:40 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cohen, Nancy
<Cohen.Nancy@epa.gov>
Subject: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Can you answer this question? Thanks.

is guidance only for permitted CAFO's or all facilities matching
the size in the table on the website?

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/15/2017 8:15:59 PM
To: Gioffre, Patricia [Gioffre.Patricia@epa.gov]
Subject: Re: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Thanks. I joined the call late this morning and I apologize if this was covered.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 15, 2017, at 3:09 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

Understood. Thanks for following up.

Patty Gioffre
US EPA/OLEM/OEM
202-564-1972
202-748-7139 (cell)

Follow OLEM on Twitter @EPALand

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 3:08 PM
To: Gioffre, Patricia <Gioffre.Patricia@epa.gov>
Cc: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Swenson, Erik <Swenson.Erik@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>; Jennings, Kim <Jennings.Kim@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Ziegel, Dean <Ziegel.Dean@epa.gov>
Subject: Re: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance -OGC/OECA review requested

Great. I'll let staffer know we'll have something shortly. I want to avoid Rep. Yoho calling.
Thanks.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 15, 2017, at 3:05 PM, Gioffre, Patricia <Gioffre.Patricia@epa.gov> wrote:

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Let me know if these responses are OK.
Best wishes!

Patty Gioffre
Acting Deputy Division Director
USEPA (OLEM/OEM/RID)
1200 Pennsylvania Ave. NW (5104A)
Washington, DC 20460
202-564-1972
202-748-7139 (cell)

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 2:41 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

All –

I just heard from staffer and I'm being told Rep. Yoho may give a call to the Administrator. Any chance I can get a response to the questions to the staffer soon?

Thanks

<image001.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela

Sent: Wednesday, November 15, 2017 12:31 PM

To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Cheatham, Reggie
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>

Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Here are all the questions from staffer:

- <!--[if !supportLists]--><!--[endif]-->Does this apply to grass-fed operations?
- <!--[if !supportLists]--><!--[endif]-->Is there a density requirement or just as noted in the CAFO table of small, medium, and large.
- <!--[if !supportLists]--><!--[endif]-->Any sort of enforcement action or educational aspects?

Thanks for your help.

<image002.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Cohen, Nancy

Sent: Wednesday, November 15, 2017 12:28 PM

To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie
<cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Gioffre, Patricia
<Gioffre.Patricia@epa.gov>

Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

+ Patty

Thanks, nancy

Nancy Cohen
U.S. EPA OLEM
202.566.0171

From: Cohen, Nancy
Sent: Wednesday, November 15, 2017 10:30 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Reggie/Becki: in Kim's absence, who do you recommend we reach out to about a congressional inquiry on EPCRA/CERCLA guidance?

Thanks, nancy aka 0171

From: Janifer, Pamela
Sent: Wednesday, November 15, 2017 9:40 AM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Good morning Nancy,

I see Kim is out of the office. Is there someone that can answer the question below. I looked at the revised website information and question will not be answered with the update. Can you help? Thank you.

<image003.png>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Janifer, Pamela
Sent: Tuesday, November 14, 2017 5:40 PM
To: Jennings, Kim <Jennings.Kim@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>
Subject: Inquiry from Rep. Ted Yoho Re: EPCRA/CERCLA Guidance

Can you answer this question? Thanks.

is guidance only for permitted CAFO's or all facilities matching the size in the table on the website?

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/22/2017 5:00:31 PM
To: Norfleet, Jessica [Jessica.Norfleet@mail.house.gov]
CC: Myers, Bryan [Myers.Bryan@epa.gov]
Subject: Re: EPA Air Emissions Reporting Looms | Drovers

Our response is below. Let me know if you have any further questions or concerns. Have a wonderful Thanksgiving weekend.

Q: I would like to bring up your point on grass-fed operations that a requirement exists to identify quantities emitted from each "source." I ask this questions because it's my understanding that there is no research for grass-fed operations, and no way to calculate emissions from sources, there is no "knowledge" of a release?

Response: CERCLA and EPCRA require facility owners and operators to report releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period. For farms, the source of the release of hazardous substances is animal waste. EPA recognizes that it will be challenging for farmers to report releases from animal wastes because there is no generally accepted methodology for estimating emission quantities at this time. CERCLA section 103 allows "continuous releases" to be reported in ranges. EPA understands that farmers may need to report their releases in broad ranges that reflect the high degree of uncertainty and variability of these releases. An owner or operator may establish estimated quantities of releases by relying on past release data, engineering estimates, knowledge of the facility's operations and release history, or best professional judgment.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

On Nov 21, 2017, at 5:01 PM, Norfleet, Jessica <Jessica.Norfleet@mail.house.gov> wrote:

Thank you so much! I really appreciate it and hope y'all have a wonderful thanksgiving!!

Jessica

Sent from my iPhone

On Nov 21, 2017, at 3:26 PM, Janifer, Pamela <Janifer.Pamela@epa.gov> wrote:

Jessica,

I'm checking into your follow-up question.

<image001.jpg>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Norfleet, Jessica [<mailto:Jessica.Norfleet@mail.house.gov>]
Sent: Tuesday, November 21, 2017 11:24 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drivers

Hey again,

I would like to bring up your point on grass-fed operations that a requirement exists to identify quantities emitted from each "source." I ask this questions because it's my understanding that there is no research for grass-fed operations, and no way to calculate emissions from sources, there is no "knowledge" of a release?

Thank you again for your help with this and I look forward to hearing back soon,

Jessica

Jessica Norfleet
District Director
Congressman Ted S. Yoho
Proudly Serving Florida's 3rd Congressional District

5000 NW 27th Court, Suite A
Gainesville, FL 32606
352-505-0838 (P)
352-505-3511 (F)
YOHO.HOUSE.GOV

From: Janifer, Pamela [<mailto:Janifer.Pamela@epa.gov>]
Sent: Wednesday, November 15, 2017 4:53 PM
To: Norfleet, Jessica <Jessica.Norfleet@mail.house.gov>
Cc: Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drivers

You're welcome. Bryan and I are always happy to help.

<image003.png>
Pamela Janifer
U.S. Environmental Protection Agency

Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Norfleet, Jessica [<mailto:Jessica.Norfleet@mail.house.gov>]
Sent: Wednesday, November 15, 2017 4:49 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drovers

Thank you so much, this helps immensely!!

Thank you again,
Jessica

From: Janifer, Pamela [<mailto:Janifer.Pamela@epa.gov>]
Sent: Wednesday, November 15, 2017 3:55 PM
To: Norfleet, Jessica <Jessica.Norfleet@mail.house.gov>
Cc: Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drovers

Jessica,

Following are responses to your questions. I hope this information is helpful and responds to your inquiry. Please let me know if you need additional assistance.

-----,-----,-----

Does this apply to grass-fed operations?

A: Yes. EPA considers all contiguous property under common ownership to be a single facility for reporting purposes. For purposes of determining whether you have a reportable release, a person must identify all of the sources of hazardous substances releases, identify the quantities that are emitted from each source and aggregate the quantities released for the facility. In making this determination, farms should include all releases from the facility, including releases from animal waste due to animals that reside primarily outside of an enclosed structure.

Is there a density requirement or just as noted in the CAFO table of small, medium, and large.

A: The CERCLA and EPCRA reporting requirements apply to all facilities that have releases of hazardous substances that are equal to or greater than their reportable quantities (RQ) within any 24-hour period.

Any sort of enforcement action or educational aspects?

A: EPA has developed a website to provide compliance assistance to farmers <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms> and continues to provide outreach with state and industry agricultural

stakeholders. Furthermore, EPA plans to update the website with additional information to respond to questions and concerns raised by our stakeholders. EPA is also working to develop a streamlined continuous release reporting form for farmers and will make that available once it is completed

<image003.png>

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Norfleet, Jessica [<mailto:Jessica.Norfleet@mail.house.gov>]
Sent: Wednesday, November 15, 2017 10:44 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drovers

Yes mam,

Just wanted additional information on the following and how it might pertain to producers in our district,

- <!--[if !supportLists]--><!--[endif]-->Does this apply to grass-fed operations?
- <!--[if !supportLists]--><!--[endif]-->Is there a density requirement or just as noted in the CAFO table of small, medium, and large.
- <!--[if !supportLists]--><!--[endif]-->Any sort of enforcement action or educational aspects?

Jessica

Jessica Norfleet
District Director
Congressman Ted S. Yoho
Proudly Serving Florida's 3rd Congressional District

5000 NW 27th Court, Suite A
Gainesville, FL 32606
352-505-0838 (P)
352-505-3511 (F)
YOHO.HOUSE.GOV

From: Janifer, Pamela [<mailto:Janifer.Pamela@epa.gov>]
Sent: Wednesday, November 15, 2017 10:40 AM
To: Norfleet, Jessica <Jessica.Norfleet@mail.house.gov>
Subject: EPA Air Emissions Reporting Looms | Drovers

I'm in a few meetings this morning. Can you forward questions?

<image003.png>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

-----Original Message-----

From: Norfleet, Jessica [mailto:]
Sent: Wednesday, November 15, 2017 8:59 AM
To: Myers, Bryan <Myers.Bryan@epa.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drovers

Hey there,

Got a couple of questions can you call me when you can at 352-354-5111?

Thank you again,
Jessica

-----Original Message-----

From: Myers, Bryan [mailto:Myers.Bryan@epa.gov]
Sent: Tuesday, November 14, 2017 1:04 PM
To: Norfleet, Jessica <Jessica.Norfleet@mail.house.gov>
Subject: RE: EPA Air Emissions Reporting Looms | Drovers

Jessica

The website for this has been updated recently to hopefully clear up any confusion. Here is a link to the site and let me know if you have further questions.

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

Bryan M. Myers
Office of Government Relations
U.S. EPA, Region 4
Atlanta, Georgia 30303
(404) 562-9603

-----Original Message-----

From: Norfleet, Jessica [mailto:Jessica.Norfleet@mail.house.gov]
Sent: Tuesday, November 14, 2017 12:05 PM
To: Myers, Bryan <Myers.Bryan@epa.gov>

Subject: FW: EPA Air Emissions Reporting Looms | Drovers

Jessica

Jessica Norfleet
District Director
Congressman Ted S. Yoho
Proudly Serving Florida's 3rd Congressional District

5000 NW 27th Court, Suite A
Gainesville, FL 32606
352-505-0838 (P)
352-505-3511 (F)
YOH0.H0USE.G0V

-----Original Message-----

From: Jessica Norfleet [mailto:jessicapnorfleet@icloud.com]
Sent: Tuesday, November 14, 2017 11:51 AM
To: Norfleet, Jessica <Jessica.Norfleet@mail.house.gov>;
meyers.bryan@epa.gov
Subject: EPA Air Emissions Reporting Looms | Drovers

<https://www.drovers.com/article/epa-air-emissions-reporting-looms>

Sent from my iPhone

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 11/14/2017 2:29:00 PM
To: Smith, Jason (Commerce) [Jason_Smith@commerce.senate.gov]
Subject: Farm gaseous release waiver

Jason,

Attached is the link to EPA's webpage on the guidance. It has been updated from its initial release to provide more clarity to readers. I hope this is helpful.

If you have specific questions, please identify. Thank you.

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Smith, Jason (Commerce) [mailto:Jason_Smith@commerce.senate.gov]
Sent: Monday, November 13, 2017 6:47 PM
To: Davis, Matthew <Davis.Matthew@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: Re: Farm gaseous release waiver

Sounds great. Thanks for the help.

Pamela, I don't want you to have to repeat all your work. Maybe a quick phone call tomorrow would be helpful?

Respectfully,
Jason Smith

On Nov 13, 2017, at 18:33, Davis, Matthew <Davis.Matthew@epa.gov> wrote:

Hi Jason,
Good to talk with you today and thanks for your inquiry. I've talked with my colleagues here, and Pamela Janifer is the person in the Office of Congressional Affairs who has been handling inquiries on this topic. I've cc'ed her, and let her know of your inquiry. She'll be following up with you.
Thanks,

Matthew

From: Smith, Jason (Commerce) [mailto:Jason_Smith@commerce.senate.gov]
Sent: Monday, November 13, 2017 2:07 PM
To: Davis, Matthew <Davis.Matthew@epa.gov>
Subject: Farm gaseous release waiver

Davis,

I am trying to research the farm gaseous release waiver. I understand it is close to sun setting. Will you send me the background, what kind of waiver, and possible way forward.

Thank you.

Respectfully,

Jason Smith

Coast Guard Fellow

US Senate Committee on Commerce, Science, and Transportation

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard

Hart Senate Office Building

Washington, DC 20510

(202) 224-5822

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 10/4/2017 9:06:16 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]
CC: Taylor, Trish [Taylor.Trish@epa.gov]
Subject: RE: Congressional Notification for CERCLA/EPCRA Reporting Requirements Guidance

Jackie,

Thanks for the heads up.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Harwood, Jackie
Sent: Wednesday, October 04, 2017 5:04 PM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Congressional Notification for CERCLA/EPCRA Reporting Requirements Guidance
Importance: High

Hi Carolyn and Pamela,

Wanted to let you know that sometime on or before October 16, we will be releasing a guidance for farms on complying with reporting requirements for air emissions from animal waste (see earlier emails on this below). Our draft communications plan (attached) calls for a press release and the following congressional notification:

- Congressional Notifications
OCIR will provide e-mail notification to congressional committees with substantive jurisdiction over chemical facility safety including:
 - Senate Environment and Public Works
 - Senate Agriculture
 - House Energy and Commerce
 - House Agriculture
 - OCFO will provide e-mail notification to congressional Appropriations committees

I'll keep you in the loop and provide you with the final press release as soon as it's ready. Please let me know if you have any questions or need anything else on this.

Thanks!
Jackie

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578

Follow OLEM on Twitter: @EPALand

From: Levine, Carolyn
Sent: Wednesday, August 23, 2017 11:38 AM
To: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: OLEM Response RE: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Thank you Jackie.

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Harwood, Jackie
Sent: Wednesday, August 23, 2017 8:30 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: OLEM Response RE: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Hi Carolyn,

Here are OLEM's responses to the questions below.

Please note: This is a fast moving issue and we would like to be pulled in as more requests like this come in, so we can update/revise the information before OCIR sends it out.

Let me know if you have any questions or concerns.

Thanks!

Jackie Harwood
OLEM Congressional, State, and Local Liaison
OCA/Office of Land and Emergency Management (OLEM)
U.S. Environmental Protection Agency
(202) 564-7578
Follow OLEM on Twitter: @EPALand

Questions Submitted by Congressman Harris' Staff:

- **When does the court have to rule on EPA's request to stay the ruling for 6 months?**
 - o The D.C. Circuit Court has recently ruled on EPA's request. On August 16, 2017 the D.C. Circuit issued an order to stay the issuance of the mandate in the *Waterkeeper* case (which invalidated EPA's rule exempting certain farms from CERCLA and EPCRA reporting requirements) until **November 14, 2017**.
- **How long will it take EPA to develop guidance?**
 - o EPA appreciates farmers concerns regarding the burden these reporting requirements may pose and the uncertainty for farms as a result of the Court's decision vacating EPA's final rule.
 - o EPA expects to have guidance available for farmers before the end of the Court's stay on November 14, 2017.
-
- **What is a farmer required to do today?**
 - o Due to the Circuit Court's stay on the ruling in the *Waterkeeper* case, farmers are exempt from reporting releases of hazardous substances into the air from animal waste at farms under CERCLA Section 103, and for all but large concentrated animal feeding operations under EPCRA Section 304. This exemption will be in place until November 14, 2017.
- **What is a farmer required to do while the guidance is being developed?**
 - o Farms which are now exempt from CERCLA 103 and EPCRA 304 reporting due to the Court's stay will remain exempt and do not have to report until November 14, 2017.
 - o EPA expects to have guidance available for farmers to assist them in determining the amount of their emissions, and how to report those emissions if they are above the reportable quantities, before November 14.

From: Janifer, Pamela

Sent: Wednesday, August 16, 2017 5:09 PM

To: Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Jackie,

In follow-up to our conversation earlier, I wanted to share specific questions R3 has received from Rep. Harris staff. R3 also mentioned a Secretary's meeting is scheduled for next week and it is expected these questions will be raised during the meeting. Do you know if OLEM has prepared any talking points or has some bullets that can be used to respond to these questions. Can you talk to Barry about his thoughts as I think we will continue to receive questions from others. Thanks.

- **When does the court have to rule on EPA's request to stay the ruling for 6 months ?**
- **How long will it take EPA to develop guidance?**
- **What is a farmer required to do today?**
- **What is a farmer required to do while the guidance is being developed?**



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 8/18/2017 9:12:49 PM
To: Zieba, Kyle [Zieba.Kyle@epa.gov]
CC: Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: Fwd: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs
Attachments: image002.png; ATT00001.htm; US Court of Appeals Order to Stay CAFO reporting_081717.pdf; ATT00002.htm

Ok. Some good news. Thanks for the update.

Pamela Janifer
U.S Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Begin forwarded message:

From: "Zieba, Kyle" <Zieba.Kyle@epa.gov>
Date: August 18, 2017 at 4:57:19 PM EDT
To: "Janifer, Pamela" <Janifer.Pamela@epa.gov>
Subject: RE: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Hi Pamela,

I wanted to provide you with up-to-date information on this matter.

Yesterday, August 17, 2017, the U.S. Court of Appeals for the District of Columbia Circuit agreed to EPA's motion to stay its April 2017 decision vacating a rule exempting all animal feeding operations from reporting air releases of hazardous substances from animal waste under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA). EPA now has until November 14, 2017 to comply with the court's April 2017 decision. According to yesterday's decision, EPA may request an extension of the stay no later than 75 days from the date of the order and any request should include a status update on EPA's efforts to develop guidance (see attached order).

At least this answers the staffer's first question...

Have a good weekend!

-Kyle

From: Janifer, Pamela
Sent: Wednesday, August 16, 2017 4:31 PM
To: Zieba, Kyle <Zieba.Kyle@epa.gov>
Cc: Miller, Linda <miller.linda@epa.gov>
Subject: RE: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Kyle,

So good talking with you earlier. I appreciate you forwarding the specific questions. I'll check in with my management and OECA to see if HQ can have some talking points prepared, as we both agree this issue will likely generate a lot of interest.

Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Zieba, Kyle
Sent: Wednesday, August 16, 2017 4:22 PM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Miller, Linda <miller.linda@epa.gov>
Subject: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

Hi Pamela,

Thanks again for helping me with this inquiry. The questions the staffer had when we spoke on the phone are:

<!--[if !supportLists]--> <!--[endif]-->When does the court have to rule on EPA's request to stay the ruling for 6 months ?
<!--[if !supportLists]--> <!--[endif]-->How long will it take EPA to develop guidance?
<!--[if !supportLists]--> <!--[endif]-->What is a farmer required to do today?
<!--[if !supportLists]--> <!--[endif]-->What is a farmer required to do while the guidance is being developed?

-Kyle

Ms. Kyle J. Zieba | *Maryland Liaison and International Affairs Coordinator*
Office of Communications and Government Relations | U.S. EPA Region III
1650 Arch Street | Mail Code 3CG00 | Philadelphia, PA 19103
215-814-5420 | zieba.kyle@epa.gov | www.epa.gov/region3 | @EPAregion3

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 8/16/2017 8:30:52 PM
To: Zieba, Kyle [Zieba.Kyle@epa.gov]
CC: Miller, Linda [miller.linda@epa.gov]
Subject: RE: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

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Subject: Inquiry from Congressman Harris' Office on CERCLA/EPCRA Reporting Requirements for CAFOs

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- How long will it take EPA to develop guidance?
- What is a farmer required to do today?
- What is a farmer required to do while the guidance is being developed?

-Kyle

Ms. Kyle J. Zieba | *Maryland Liaison and International Affairs Coordinator*
Office of Communications and Government Relations | U.S. EPA Region III
1650 Arch Street | Mail Code 3CG00 | Philadelphia, PA 19103
215-814-5420 | zieba.kyle@epa.gov | www.epa.gov/region3 | @EPAregion3

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 10/26/2017 4:00:19 PM
To: Miller, Linda [miller.linda@epa.gov]
CC: Zieba, Kyle [Zieba.Kyle@epa.gov]
Subject: RE: CERCLA and EPCRA Reporting Requirements

Great! Okay, I am super envious of Kyle. I hope she is having a terrific time!



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Miller, Linda
Sent: Thursday, October 26, 2017 11:59 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Zieba, Kyle <Zieba.Kyle@epa.gov>
Subject: Re: CERCLA and EPCRA Reporting Requirements

Thanks. ORC shared this morning. Kyle is in Scotland!! Lucky her.

Sent from my iPhone

On Oct 26, 2017, at 11:32 AM, Janifer, Pamela <Janifer.Pamela@epa.gov> wrote:

Do you see this? It went up on the website about 9:30pm yesterday.
<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

<image001.jpg>
Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 10/26/2017 2:02:53 AM
BCC: tim.daniels@mail.house.gov; eric_slee@roberts.senate.gov; daniel.rhea@mail.house.gov; michael.rogers@mail.house.gov; nolan.ahern@mail.house.gov; aaron_suntag@stabenow.senate.gov; Richards, Tina [Tina.Richards@mail.house.gov]; travis.martinez@mail.house.gov; michael.horder@mail.house.gov; zach.martin@mail.house.gov; kaitlynn_glover@barrasso.senate.gov; brian_papp@carper.senate.gov; richard_colley@carper.senate.gov; amanda_hall@inhofe.senate.gov; mae_stevens@cardin.senate.gov; 'Frede, Shannon (Cardin)' [Shannon_Frede@cardin.senate.gov]
Subject: EPA PRESS: EPA PROVIDES GUIDANCE FOR FARMERS FOR REPORTING ANIMAL WASTE

EPA is releasing guidance to assist farmers in reporting air releases of hazardous substances from animal waste at farms. EPA is making this information available to provide time for farmers to review and prepare for the reporting obligation, which could become effective as early as November 15, 2017.

On December 18, 2008, EPA published a final rule that exempted certain farms from reporting air releases of hazardous substances from animal waste. On April 11, 2017, the DC Circuit Court vacated this final rule. In response to a request from EPA, the DC Circuit Court extended the date on which its ruling would become effective to November 15, 2017. Unless the court further extends this date, farms (including those previously exempted by EPA's rule) that release hazardous substances to the air from animal wastes equal to or greater than the reportable quantities for those hazardous substances within any 24-hour period must comply with applicable statutory reporting requirements.

The EPA guidance information includes links to resources that farmers can use to calculate emissions tailored to specific species of livestock. To view EPA's guidance and Frequently Asked Questions on reporting air emissions from animal waste <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>.

EPA will revise this guidance, as necessary, to reflect additional information to assist farm owners and operators to meet reporting obligations. Interested parties may submit comments or suggestions by November 24, 2017 to cercla103.guidance@epa.gov.

Please let me know if you have additional questions.



Pamela Janifer
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1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 8/15/2017 5:43:35 PM
To: Frye, Tony (Robert) [frye.robert@epa.gov]
Subject: RE: Senate Letter on CERCLA and EPCRA
Attachments: Sen. JCornyn . CERCLA AND EPCRA.pdf

Hot off the presses!!



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Frye, Tony (Robert)
Sent: Monday, August 14, 2017 11:57 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Senate Letter on CERCLA and EPCRA

Thank you!

From: Janifer, Pamela
Sent: Monday, August 14, 2017 11:43 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: RE: Senate Letter on CERCLA and EPCRA

Tony,

We are very close to a final response to your letter. I expect to have the response by the end of the week. I'll be sure to scan and forward as soon as I have a signed copy.



Pamela Janifer
U.S. Environmental Protection Agency

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Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Levine, Carolyn
Sent: Monday, August 14, 2017 11:37 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>; Janifer, Pamela <Janifer.Pamela@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: RE: Senate Letter on CERCLA and EPCRA

Hi Tony,

Adding Pamela who was working on getting the final version that Troy approved.

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Frye, Tony (Robert)
Sent: Monday, August 14, 2017 11:30 AM
To: Levine, Carolyn <Levine.Carolyn@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>
Subject: FW: Senate Letter on CERCLA and EPCRA

Hello Carolyn – Do we have an update on the request below? Thank you in advance.

Best,
Tony

From: Palich, Christian
Sent: Tuesday, July 25, 2017 9:05 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: FW: Senate Letter on CERCLA and EPCRA

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S. Environmental Protection Agency
O: 202.564.4944
C: 202.306.4656
E: Palich.Christian@epa.gov

From: Lyons, Troy

Sent: Thursday, May 25, 2017 1:58 PM

To: Porter, John (Cornyn) <John_Porter@cornyn.senate.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>

Cc: Weeks, Taylor (Cornyn) <Taylor_Weeks@cornyn.senate.gov>; Atcheson, Laura (Cornyn) <Laura_Atcheson@cornyn.senate.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>

Subject: RE: Senate Letter on CERCLA and EPCRA

Many thanks, John.

I have copied Carolyn and Christian who can help you on this issue.

From: Porter, John (Cornyn) [mailto:John_Porter@cornyn.senate.gov]

Sent: Thursday, May 25, 2017 1:55 PM

To: Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>

Cc: Weeks, Taylor (Cornyn) <Taylor_Weeks@cornyn.senate.gov>; Atcheson, Laura (Cornyn) <Laura_Atcheson@cornyn.senate.gov>

Subject: Senate Letter on CERCLA and EPCRA

Troy and Robin, hope all is well. Please see the letter attached from Senator Cornyn and 27 of his Senate Republican colleagues.

The letter encourages Administrator Pruitt to challenge the D.C. Circuit decision and to provide America's farmers and ranchers with regulatory relief through agency directive and rulemaking. Furthermore, if the EPA cannot address this problem in the courts or on its own, we encourage you to come to Congress to find a solution. Let me know if you have any questions or need further information.

Many thanks,

John

202-224-8242

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 8/14/2017 3:46:58 PM
To: Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: RE: Senate Letter on CERCLA and EPCRA

Too many new ppl.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Levine, Carolyn
Sent: Monday, August 14, 2017 11:44 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>
Subject: RE: Senate Letter on CERCLA and EPCRA

Fyi, Tony works here, he sits next to you, in Wuanisha's old cube ;-)

Carolyn Levine
Office of Congressional and
Intergovernmental Relations
U.S. EPA
(202) 564-1859
levine.carolyn@epa.gov

From: Janifer, Pamela
Sent: Monday, August 14, 2017 11:43 AM
To: Frye, Tony (Robert) <frye.robert@epa.gov>
Cc: Palich, Christian <palich.christian@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
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Christian R. Palich
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E: Palich.Christian@epa.gov

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Cc: Weeks, Taylor (Cornyn) <Taylor_Weeks@cornyn.senate.gov>; Atcheson, Laura (Cornyn) <Laura_Atcheson@cornyn.senate.gov>

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The letter encourages Administrator Pruitt to challenge the D.C. Circuit decision and to provide America's farmers and ranchers with regulatory relief through agency directive and rulemaking. Furthermore, if the EPA cannot address this problem in the courts or on its own, we encourage you to come to Congress to find a solution. Let me know if you have any questions or need further information.

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Sent: 7/27/2017 7:09:31 PM
To: Cheatham-Strickland, Latonia [Cheatham-Strickland.Latonia@epa.gov]
Subject: CERCLA Letter

Rep. Cornyn Letter came in prior to the Court's April 11, 2017 ruling.

Background

At many commercial livestock farms, decomposing animal waste emits ammonia and hydrogen sulfide in excess of EPA's general reporting thresholds for releases under both CERCLA and EPCRA. A 2008 EPA rule, however, exempted all farms from CERCLA's reporting requirements for air releases generated by animal waste decomposition. The 2008 rule similarly exempted most farms – all but large livestock feeding operations from the reporting requirements of EPCRA. Environmental groups challenged the rule in 2009 with a direct petition to the D.C. Circuit.

Focusing on the "complex interplay" between CERCLA and EPCRA, the D.C. Circuit rejected EPA's standing argument. Although CERCLA does not require public disclosure of releases, the court found that a release triggering CERCLA's government reporting requirement automatically triggers EPCRA's public disclosure mandate. Consequently, the environmental petitioners had a sufficient stake in the impact of EPA's exemption of farms from CERCLA's reporting requirements to have standing to challenge the rule in the D.C. Circuit.

EPA argued that reporting of air releases by farms would be "unnecessary" because a federal response to such releases was unlikely. Citing public comments on the 2008 rule, however, the court determined that CERCLA's and EPCRA's reporting requirements would benefit state and local authorities – as well as the public – when applied to air releases from farms. The "benefits" needed to foreclose application of the *de minimis* rule, according to the court, need not be benefits to EPA itself. Finding the *de minimis* doctrine insufficient to justify an exemption from otherwise unambiguous statutory requirements, on Apr. 11, 2017, the Court of Appeals for the D.C. Circuit vacated EPA's 2008 rule.

All farms must now report all air releases that exceed EPA's reporting thresholds under CERCLA and EPCRA. The immediate impact of the *Waterkeeper* decision may be mitigated, however, by CERCLA's "continuous release" reporting standard under 42 U.S.C. § 9603(f)(2). Continuous releases that are "stable in quantity and rate" need only be reported on an annual basis unless the rate or constituents of the release change significantly.

Due to the recent ruling, EPA is evaluating alternative approaches.



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202.564.6969
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Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 3/19/2018 2:54:15 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Levine, Carolyn [Levine.Carolyn@epa.gov]
Subject: RE: CERCLA/EPCRA Talking Points for RAs

Thanks Nancy.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

From: Grantham, Nancy
Sent: Monday, March 19, 2018 10:53 AM
To: Janifer, Pamela <Janifer.Pamela@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>
Subject: FW: CERCLA/EPCRA Talking Points for RAs

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Grantham, Nancy
Sent: Monday, March 19, 2018 10:47 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Caterino, Cosmo <Caterino.Cosmo@epa.gov>; Glenn, William <Glenn.William@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Subramanian, Hema <Subramanian.Hema@epa.gov>; Wagner, Kenneth <wagner.kenneth@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Kelly, Albert <kelly.albert@epa.gov>
Subject: FW: CERCLA/EPCRA Talking Points for RAs

Greetings,

Following up on the RA call of 3/9 with Ken and Kell, below please find below the current talking points for the cercla/epcra air release from animal waste issue.

CERCLA/EPCRA Talking Points

- In 2008, EPA issued a rule that exempted all farms from reporting hazardous substance air releases from animal waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and most farms from needing to report under the Emergency Planning and Community Right-to-Know Act (EPCRA).
- However, due to a 2017 decision by the U.S. Court of Appeals for the D.C. Circuit vacating that exemption, farms will soon be required to report when they release reportable quantities of hazardous substances to air from manure (100 lbs or more within a 24-hour period for ammonia and hydrogen sulfide).
 - EPA has developed guidance to help farms understand the reporting obligations. It is available on EPA's website, www.epa.gov/animalwaste.
- No reporting is required until the court issues its mandate, which effectuates its decision. The court granted the EPA's request to delay issuance of the mandate until May 1, 2018.
- Legislation was recently introduced in Congress that would exempt farms from reporting air release from animal waste under CERCLA, which could be voted on as early as March 23rd. The legislation, if passed, would not alter the EPCRA reporting requirements.
- EPA is considering proposing to establish reportable quantity thresholds specific to air releases of ammonia and hydrogen sulfide from animal waste at farms. EPA is not expected to make a decision on issuing this proposal for public comment before March 23.

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 1/17/2018 2:48:30 AM
BCC: Richards, Tina [Tina.Richards@mail.house.gov]
Subject: EPA Fact Sheet & PSA: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf; Animal_Waste.mp3; EPA_3.mp3

The EPA appreciates your interest with regards to CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms.

Attached is an advance copy of a fact sheet that will provide responses to some of the questions EPA has received, as well as other helpful information. Additionally, I am providing a copy of the PSA that will begin to run starting tomorrow.

If you have questions, please don't hesitate to reach out to me.



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Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Janifer, Pamela [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BA92212A802543CD86FAF7AE219D4C15-PJANIFER]
Sent: 1/16/2018 10:50:31 PM
To: Harwood, Jackie [Harwood.Jackie@epa.gov]
CC: Lowery, Brigid [Lowery.Brigid@epa.gov]; Carolyn Levine [Levine.Carolyn@epa.gov]
Subject: Issue Paper on CERCLA/EPCRA Animal Waste Air Monitoring

It is highly likely Barry will get questions on the CERCLA/EPA issue. Can you pull together an issue paper ASAP? Please make sure it contains language that talks to the point that (1) the EPA been educating farmers on what to expect after the court's final ruling, (2) is doing lots of outreach to inform; and (3) the EPA lacks the authority to fix the issue of the reporting requirement. Thank you.



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Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

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Sent: 1/16/2018 8:34:16 PM
CC: Ringel, Aaron [ringel.aaron@epa.gov]
BCC: James_Willson@epw.senate.gov; Christophe_Tulou@epw.senate.gov; Jessica.Norfleet@mail.house.gov; Ryan.Seiger@mail.house.gov; Michael.Brain@mail.house.gov; Laura_Gillam@epw.senate.gov; Karen_McGrath@carper.senate.gov; Brian_Papp@carper.senate.gov; Laura_Atcheson@cornyn.senate.gov; teri_donaldson@epw.senate.gov; Rodrick, Christian [rodrick.christian@epa.gov]
Subject: EPA Fact Sheet: CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms
Attachments: CERCLA EPCRA Factsheet FINAL.PDF; CERCLA EPCRA Factsheet FINAL (SPANISH).pdf

The EPA appreciates your interest with regards to CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms.

Attached is an advance copy of a fact sheet that will provide responses to some of the questions EPA has received, as well as other helpful information. Additional documents are being finalized and will be forwarded when cleared.

If you have questions, please don't hesitate to reach out to me.



Pamela Janifer
U.S. Environmental Protection Agency
Office of Congressional Affairs
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202.564.6969
Janifer.pamela@epa.gov

Message

From: Marraccini, Davina [Marraccini.Davina@epa.gov]
Sent: 3/19/2018 6:02:11 PM
To: Mitchell, Ken [Mitchell.Ken@epa.gov]
CC: Banister, Beverly [Banister.Beverly@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Wise, Allison [Wise.Allison@epa.gov]; Kemker, Carol [Kemker.Carol@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Bragan, Mary Jo [Bragan.Maryjo@epa.gov]; Toney, Anthony [Toney.Anthony@epa.gov]; Bookman, Robert [Bookman.Robert@epa.gov]; Bingham, Kimberly [Bingham.Kimberly@epa.gov]; Dominy, Randy [Dominy.Randy@epa.gov]; Weeks, Victor [weeks.victor@epa.gov]
Subject: Re: High Level GA Farm Bureau Issues

Thank you, Ken. We are looking for issues specific to GA, if there are any. For example, concerns raised by or related to an individual farm or area, or something particular to the state itself.

-Davina

Sent from my iPhone

On Mar 19, 2018, at 12:47 PM, Mitchell, Ken <Mitchell.Ken@epa.gov> wrote:

Davina....

APTMD has at least two items for the GA Farm Bureau visit to the Administrator. They are below. If I find anything else, I will send it to you by tomorrow COB.

Dicamba

Message: EPA worked with USDA, States, cooperative extension agents, and pesticide manufacturers to identify actions to further minimize spray drift of Dicamba pesticide products on nearby susceptible crops. EPA Region 4 stands ready to assist the states as they move forward to implement pesticide programs regarding Dicamba during the coming year.

Air Emission from Animal Waste at Farms

Message: The court is expected to issue the mandate on May 1, 2018. No reporting is necessary until the mandate is issued.

Background: On December 18, 2008, EPA published a final rule exempting farms from CERCLA reporting of air releases of hazardous substances from animal waste; the rule was challenged in court (DC Circuit). On April 11, 2017, the Court struck down the final rule. On January 19, 2018, EPA filed a motion to further delay issuance of the mandate so that EPA can develop guidance materials to help farmers understand their CERCLA reporting obligations. On February 1, 2018, the DC Circuit Court of Appeals granted EPA's motion to further stay issuance of the mandate until May 1, 2018.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
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From: Marraccini, Davina
Sent: Monday, March 19, 2018 9:49 AM
To: Banister, Beverly <Banister.Beverly@epa.gov>; Walker, Mary <walker.mary@epa.gov>
Cc: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Mitchell, Ken <Mitchell.Ken@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Bragan, Mary Jo <Bragan.Maryjo@epa.gov>
Subject: High Level GA Farm Bureau Issues
Importance: High

Beverly and Mary,

The GA Farm Bureau is meeting with the Administrator on Thursday. This is a fly-in meeting and will be very general. For situational awareness, if you have any significant high-level issues, please send them to me by COB Tuesday.

Thank you,

Davina Marraccini
Public Affairs Specialist
U.S. EPA Region 4
404-562-8293 (office)
404-387-4368 (cell)
404-562-8335 (fax)
marraccini.davina@epa.gov

*** Save trees! Please don't print this message unless necessary.

Message

From: Mitchell, Ken [Mitchell.Ken@epa.gov]
Sent: 11/29/2017 4:44:00 PM
To: Guillard, Jennifer [Guillard.Jennifer@epa.gov]
CC: Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Weeks, Victor [weeks.victor@epa.gov]; Mitchell, Ken [Mitchell.Ken@epa.gov]
Subject: FW: Animal Waste Talking Points
Attachments: Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms-SF.docx

Jennifer....thanks. I apologize....I forgot to cc you this morning when we sent up talking points for the RA to take with him on his trip. They are reprinted below.

Animal Waste Release Reporting Requirements

ISSUE/TOPIC: Farms are now required to report releases of hazardous substances associated with animal waste management units (such as lagoons, pits, piles) under CERCLA.

MESSAGE: EPA Region 4 stands ready to assist farms as they move forward to make notification to the National Response Center (NRC) and any required follow-up reports.

BACKGROUND:

On December 18, 2008, EPA exempted farms from reporting to the NRC of air releases of hazardous substances from animal waste management units under Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On April 11, 2017, the DC Circuit Court vacated this final rule.

On November 22, 2017, the DC Circuit Court of Appeals granted EPA's motion to stay the mandate until January 22, 2018. Farms are not required to report until the mandate issues. This will allow time for EPA to further refine and simplify the reporting approach farms will use to relay information to the NRC and EPA Regional Offices about their releases.

How will reporting be accomplished (the current plan)?

- Typically, the initial notification of a release to the NRC is by telephone.
- Given the large volume of farms expect to make notifications, EPA has set up an option for farms to make this initial notification by email.
- If the farm decides to report the release as a "continuous release", the farm would make its 30 day follow-up written notification of its continuous release to the appropriate EPA Regional Office, followed by a one-time update report one year after the written notification of the continuous release.

Information on when and how to report is provided at EPA's website:

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>

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-----Original Message-----

From: Guillard, Jennifer
Sent: Wednesday, November 29, 2017 11:01 AM
To: Mitchell, Ken <Mitchell.Ken@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Subject: RE: Animal Waste Talking Points

Brandi/Ken,

Superfund has prepared some information in support of this request. Though Superfund does not respond to these types of releases, we did have some historical data that may help in finalizing talking points. Please let me know if you have any questions.

Sincerely,

Jennifer Guillard
Special Assistant/Program Analyst
Immediate Office, Superfund Division

Region 4, U.S. EPA
Direct: (404) 562-8258
Facsimile: (404) 562-8084
Cellular: (404) 394-4419

-----Original Message-----

From: Mitchell, Ken
Sent: Wednesday, November 29, 2017 6:59 AM
To: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Cc: Guillard, Jennifer <Guillard.Jennifer@epa.gov>; Weeks, Victor <weeks.victor@epa.gov>; Bingham, Kimberly <Bingham.Kimberly@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>; Toney, Anthony <Toney.Anthony@epa.gov>; Bookman, Robert <Bookman.Robert@epa.gov>; Mitchell, Ken <Mitchell.Ken@epa.gov>
Subject: Re: Animal Waste Talking Points

Got it. Thanks. I'll get with victor and Kimberly this morning and get you something.

Sent from my iPhone

> On Nov 28, 2017, at 10:31 PM, Jenkins, Brandi <Jenkins.Brandi@epa.gov> wrote:
>
> plan?

Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms

Note: Our emergency response program will not be responding to continuous releases from animal waste operations falling under this rule.

Background

- December 18, 2008, EPA exempted most farms from continuous release reporting of hazardous substances from animal waste under CERCLA and EPCRA
- On April 11, 2017, the DC Court of Appeals struck down the final rule which eliminated the reporting exemption.
- Beginning November 15th, farms are required to submit continuous release notification to the National Response Center for:
 - Hazardous substance releases from animal waste that, within a 24-hour period, equal or exceed the CERCLA Reportable Quantity.
 - Primarily the hazardous substances involved are ammonia and hydrogen sulfide.
 - Ammonia RQ is 100 pounds
 - Hydrogen Sulfide (H₂S) RQ is 100 pounds
- On November 22, 2017, the DC Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. Farms do not have to make continuous release notification until the Court either issues its order or mandate enforcing the April 11, 2017 opinion. [[HYPERLINK "https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms"](https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms)]
- Reporting method:
 - Preferred reporting method to the NRC is email at [[HYPERLINK "mailto:NRC-CERCLA-EPCRA-Report@uscg.mil"](mailto:NRC-CERCLA-EPCRA-Report@uscg.mil)]
 - Submit written notification to EPA Regional Office
 - Follow up one year later with additional follow written notification to EPA Regional Office (should go to the regional EPCRA program).

Concerns from Emergency Response Program standpoint

- NRC has a small staff. All NRC reports are forwarded to the relevant EPA regional emergency operations centers where they are evaluated by Regional Duty Officers. Typically, there is one Regional Duty Officer at any given time.
- There was considerable concern that farms would notify the NRC via phone which would overwhelm the system at the NRC and REOCs thus creating the potential that they would miss other reports of hazardous substance release that might require an emergency response.
- When the notification requirement became effective, our REOC did receive a substantial increase in NRC reports. We are not currently receiving such notifications, likely because of the November 22nd Court decision to stay the mandate.
- The Superfund program also received a large volume of written notifications. We assume they came to our program because the letters were not addressed to a specific program or person. These letters should go to our EPCRA program in APTMD.